

**Milton Town Council Meeting
Milton Theatre, 110 Union Street
Monday, September 14, 2009
7:02 PM**

C Prettyman: Mr. Mayor, excuse me, I make a motion that we go into Executive Session to discuss a Personnel Matter, prior to calling to order the Public Participation portion of this Town Council Meeting.

C Hudson: I second the motion

Mayor Post: Any discussion to the motion?

C Martin-Brown: Yes.

Mayor Post: We haven't even gotten into the meeting yet.

C Prettyman: That's why.

Mary Schrider-Fox: I think procedurally, that the meeting needs to be called to order first, prior to going into Executive Session.

Mayor Post: So after the Public Participation then we would open the formal meeting and that's when you would call that.

C Hudson: Would that be after Number 2, Call to Order? Exactly where on here would it be? Roll Call? Additions to the Agenda? Where would it be?

Mary Schrider-Fox: In theory, after the meeting is called to order.

C Prettyman: Called to order, would be number 2.

C Hudson: Okay, so right after Public Participation, he can make a motion again?

C Duby: After the Call to Order.

C Hudson: Okay.

1. PUBLIC PARTICIPATION portion was called to order by Mayor Post at 7:02 pm on September 14th and let it go on record that the following members of the Town Council are present:

C Martin-Brown

C Duby

C Hudson

C Prettyman

C Abraham

C Betts

Mayor Post

Norman Lester, 111 Morgan Way: A couple of weeks ago, I filed a FOIA request to obtain a copy of the Atlantic Investigators invoices for services rendered; I also asked for a copy of his contract. Obviously the contract does not exist. What I received is actually two pieces of paper: one is really an acknowledgement of payment. It's an invoice for \$15,000, dated March 10th, which is coincidentally is the day the Chief was let go or put on Administrative Leave; it's for 200 hours and it says review of docs, files, computers, travel; \$75 an hour for \$15,000. There's no indication here that anybody has approved this; it was okay to pay; but obviously it was paid.

*The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

This all goes to the lack of internal control or maybe just disregard of proper procedures. The second invoice is the description is very difficult to read because it is all misspelled; but it calls for..... Its 66 hours at \$75 an hour, extended to \$5,000. Now, it's not \$5,000; I mean anybody with an adding machine can prove this, but this invoice was approved to pay by the Town Clerk, so they paid the bill for \$5,000; nobody checked to see if it was correct or not and this just simply; its unbelievable. I just wonder how often this happens that the Town gets invoices. The fact that somebody sends an invoice for 200 hours with no detail; I just don't see how the Town Administration can face the people of this Town and just pay a bill for \$15,000 flat out; no question; no detail; even the lawyers send you bills and they are detailed by day; you can tell what Ms. Fox does day by day. It's just a total lack of control and what I find actually appalling is during the Hearings we had two Council members in particular, castigating the Chief for his total lack of management control; we're getting to the dynamics of how this thing is supposed to work and it just goes on and on and how a poor manager he was. My God look at you people, you are paying out \$20,000; you don't even know how to add up number; you don't know how to use adding machines and you are just paying these bills. Just like that, no controls, nothing, just pay it. My only conclusion can be that the \$15,000 was set and paid for and that's why there's no agreement, so I just don't know how any of you can hold your heads up. It's just abominable. Thank you.

- b. Nancy Davis: I'm losing my voice, because the air in here causes me to do that, but I'm here to speak about the budget; I spoke about the budget before and it was at a meeting where many, many people spoke about this budget. A \$90,000 deficit is on the proposed budget right now. I can't live with that and I don't believe that any of you can either. I do hope that there is a lot of discussion and a great deal of changes tonight. If I lived in that type of situation in a business or in my home, I'd be bankrupt.

Mayor Post: Thank you. I do want to make just one comment, after yours Nancy, is the fact that on the 2004-2005 Town Budget Document prior to me taking over, which I know that this is what some of the issues are trying to go towards, there was a deficit of \$104,733 that year and it was budgeted as such a deficit. I'll be glad to put that on the Town website for everyone to review. I agree with you [unintelligible speaker] and we're working very hard to get that done. Nancy and you're certainly entitled to that and I absolutely agree with you. But just keep in mind that this is not something new; we have been struggling just like every town across the country and we're doing our best to try to get this to balance; and we'll have to balance it tonight.

Nancy Davis: I do hope that you won't have to argue with anyone who speaks tonight.

Mayor Post: I hope so; I hope not either, because we have a hard job in front of us.

- c. Jeff Daly, 211 Gristmill: I was at last week's final budget hearing and it seemed as though Council was coming closer and closer to closing the budget gap. Two big chunks of money having the town employees pay an increased portion of their health care and then there was some very civil discussion with lots of contributions as to how many police should be on the force because if we were to reduce it by one, it would be an entire year's salary. So my question is for a Town our size, comparing a Town our size to other Delaware Towns of comparable size, population, etc.; how many police officers do similar Towns have? I know that we have access to the State Troopers, that they want to be involved whenever there is any case involving drugs; so we do have back-up; so I'm really interested in hearing perhaps from the Mayor, from the Chief of Police, from our Town Manager as to how many police a town this size should have. Thank you.

C Hudson: I think I did hear one statistic that during the Public Hearings while we were short-staffed on police State Police helped us 73 times; so there was a lot of State Police involvement to cover for us, so it seems to me that we do need to keep a full staff.

- d. Marion Jones, Behringer Avenue: The only thing I would like to address before what I stand here to talk about is that the State Police are not here for Milton's use as back-up; they do it because they defend the men in blue who are on the street and wouldn't leave you hanging; but you can not count upon them being surplus police officers because unless you have, and maybe you do, a Memorandum of Understanding with them, they are not just your back-up and also there's a good possibility that when you call upon them, they may have a great distance to travel. What I'm here to talk about tonight is the Town Council Meeting Agenda. I have a legal question. I attempted to get a document under the New Business on the agenda. I was told I had to file a FOIA Request. Filing a FOIA Request today would not have gotten me that document, though my logic tells me, that the document would have to be available today, because you are discussing it tonight. Is what I was told FOIA law or can you refer me to document in the Town of Milton's proper ordinances, charter that tells me I have to file a FOIA complaint to speak intelligently in front of Council for an agenda item that's here and working tonight? It's a working document. Can you answer that for me?

Mary Schrider-Fox: Which document were you requesting?

Marion Jones: I was looking for the document having to do with the objectives and goals; however that is made out for the Town of Milton Police Department and Chief.

Mary Schrider-Fox: Generally, any time that you want to request a document from the Town, a FOIA request is appropriate and that's pursuant to State Law and the Town of Milton has a FOIA policy and I believe that it is posted on the website. The Town regularly has its citizens fill out the FOIA request and then you can get the document in response to that FOIA request that's given to Town Hall. With respect to that particular document for tonight, I

know that sometimes and today is one of those days there are several items on the agenda where the document that is going to be in the packet for the Town Council to review, was prepared in final for their review, fairly late. We work sometimes right up until the meeting the draft documents ready for them to look at; so quite frankly I'm guessing that that document may not have even been completely prepared and ready for the Town Council when you requested it. We notice it hoping and planning that we're going to have a draft ready for these ladies and gentlemen to look at during the meeting and sometimes that happens on the day of; and I believe that that's what happened with that particular document today.

Marion Jones: So best case scenario, if I had requested that document last Friday and there had actually been 3 to 4 processing days allowed, and I had gotten my hand on that document, that it could be changed from what the Council may be talking about this evening.

Mary Schrider-Fox: Well, any document that the Council refused during a meeting, is subject to change; because until the Town Council reviews, discusses and either possibly approves it, it is subject to change; because I know we've probably all observed this while the Town Council is sitting here they read through something and they might make a change in a certain paragraph that the consensus is that they don't like the proposed ordinance or the proposed objective; so really it is just a draft document; it's not an official document until these ladies and gentlemen on the Council review and deliberate and make a decision.

C Hudson: What day did you ask to see it?

Marion Jones: Today.

C Hudson: I did receive my copy on Friday and a revised copy today; so there should have been a copy available for you on Friday.

Marion Jones: The question still on the table are we talking FOIA law that it's a public meeting tonight; there are items on the agenda that are not protected by personnel issues Executive Session. It's under New Business. A Town's Person wishes to get an idea of what that document is about. You have something you're voting, you're looking at paperwork under the Historic Preservation Commission tonight, too. If I wanted to talk intelligently in front of the Town Council to that regard, you're telling me that that is not a public document that can be gotten without a FOIA request?

Mary Schrider-Fox: A FOIA request is necessary for all public documents; including anything that we're talking about this evening; and I know that this Town does enforce its FOIA policy; it's a means of trying to keep some control over the situation. Someone can't just walk into the Town and start looking through documents and pick up anything they want; that's why the FOIA request is there and State Law is there and provides for that. It's a tool to help Towns manage the requests and try to intelligently respond to the requests; so I don't think that, although it is regrettable, I understand your position to say that you would like to look at it and speak intelligently with the Town Council while they are considering this document tonight; that's one of

the little gaps, I think, in the process and in the law; but it's certainly in keeping with a standard Town procedure and in keeping with State Law about requesting and obtaining public documents.

C Hudson: So, if I got my copy officially; I signed for it today at 1:10; couldn't there have been a copy of it at the Town Hall for people to go and look at it as of that time?

Mary Schrider-Fox: It's not an official document until the Town Council deliberates and decides whether or not to approve or disapprove it; now, having said that, in theory, any kind of draft document could be made available. I know that the Town Council has done that before; that there are certain drafts and things that are under consideration that you make available to the public...

C Hudson: That's the point, we have made things available to the public in the past; there have been draft copies of the budget would be downtown; or information about developments would be at the Town Hall or copies at the Library for people to look at; and, it just seems I've heard constituents say that today their being told that they need to put in a FOIA request, when all these years past if there was something on the budget, then at least A copy would have been at the Town Hall for them to look at. Why is the policy changing?

C Betts: Can I say something? What would hurt, I think all our residents realize that it's not in effect until it is signed and I think all that Ms. Jones is asking is to just see what it is that is being requested tonight to be voted on. Is that correct?

Marion Jones: That's correct.

C Betts: I think you understood that it was not a final thing, until it is approved by the Council.

Marion Jones: That is correct. But this period of time...

Mayor Post: I don't understand why it wouldn't be available... I think the best thing to do; first of all I'm going to pursue it as getting a ruling from the Attorney General's Office because I understand what you're saying; but I want a ruling on it. I'm kind of curious to see.

Marion Jones: I am too, because we have a very precious corridor of time here to talk to you if we have questions and/or concerns about items on the agenda; the working agenda tonight; the working documents that you may or may not vote on; and we do not have any other opportunity to speak publicly but right now. I do know I think two years ago, I was seeking a document having to do with an issue that C Martin-Brown was bringing to the table and I telephoned her at home after I called Town Hall and they were going to charge me for a copy; she very kindly shared a copy with me. I don't think necessarily it's appropriate that each one of us tap on the door of or ring the phone of a Council Person to get copies of documents, because we can not get them from Town Hall.

Mayor Post: Well, you can't and I know it for a fact because I know how many FOIA's are done and I think there absolutely needs to be a document control and I have no problem with that. What I would be curious about are

the ones that are related to the agenda. I have no problem with our FOIA process, the State does it; I've seen the State process and I have no problem with that process.

Marion Jones: I understand that.

Mayor Post: But it is an interesting question that you bring forward regarding the things that are on the agenda. I'm intrigued over that one; because I understand what you're saying.

Marion Jones: Just on the agendas.

C Hudson: I think a rough draft copy of the Policy and Objectives for the Chief of Police should have been down at the Town Hall for people to read.

Mayor Post: I don't know and that's what I'm going to find out; because I don't know if that's really a public document, until we discuss it. There's no need to sit here and say should it be or shouldn't be; let's just see what the Attorney General's Office says and then that will set the future for us.

Marion Jones: Thank you and if you will let us all know.

C Martin-Brown: Mr. Mayor, since we haven't gone into the meeting yet, it becomes more complex, because the item of concern to Ms. Jones, is of concern to me for another reason in that when we were going into the meeting and we were going to take amendment and changes to the agenda, I clearly saw that particular item as a Personnel Matter and I was going to request that that be referred to Executive Session, just to further complicate the dynamic.

Mayor Post: It's really not a Personnel Matter and you're incorrect on that because it's an objective for whoever sits as the Chief of Police. These objectives are no more a Personnel Matter than the SOP's or the Personnel Handbook; so it is not specific to anyone. Those were drawn up for whoever would have returned to the Chief's position, whether it is the existing Chief or whether it was a new employee, it would have been the same type of document that it was objectives. I believe that even when it was done prior, years ago, an objective document was done; it was done in public. Something like that is kind of, if you are talking about transparency, let's be transparent.

C Betts: Mr. Mayor, excuse me, you're talking about transparency; I think that's what Ms. Jones was asking; it was going to be brought before the Council; it was public knowledge; why couldn't they have seen a copy of it prior to?

Mayor Post: We're going to get an answer on that.

C Betts: I think that's what she was explaining and I think it's only fair.

Mayor Post: I agree.

- e. John Mead, 539 South Spinnaker, Shipbuilders Village: I've been before the Council in reference to the flooding and the drainage problems in that area. I've landscaped my yard numerous times, numerous times; just to have everything float away and flood away. The Town has made promises; the Town has said they would address the problem; the Town has come to the aid by putting a pump in one of the drainage sewers or drainage things, whatever it is in the street to pump the water. The first time they did that they pumped

it all over the farm field in the back of my house and actually flooded that field. That didn't last very long before it was corrected and they took the hose and ran it back through the woods. At one point, they had two pumps that were running simultaneously from there. Since that point, they've only had one pump and it can not keep up with the water and that problem. I would like to take just a moment to read a letter that I received from Mayor Don Post dated May 19, 2009. It's a form letter. I guess it was sent to all the residents in the neighborhood. "Dear Shipbuilders Village Property Owners and Residents: I am pleased to report the stormwater project will soon be underway. A pre-construction meeting was held on Wednesday, May 6, 2009. The Town has obtained all the necessary easements required to place the stormwater pipe. Sussex Soil Conservation, Cabe Associates, Christiana Excavating and the Town's Project Coordinator have agreed the actual work will begin in early June. The project will start at Wagamon's Pond and will end at South Spinnaker Lane. The work on the storm drainage piping is expected to last one month (which was supposed to begin in June). All areas disturbed by the construction will be repaired, graded and seeded, as the work is completed. An inspector from Cabe Associates and Soil Conservation District will be on the site to conduct periodic inspections. Once the work on the storm drainage has been approved, the contractor will start work on the final paving of the streets. No estimated time of completion was given, but this could take a couple of weeks, because some of the manhole covers in the street need to be repaired or adjusted prior to final paving. I know this problem is not coming to a conclusion soon enough for many of you, however, as Mayor I made a promise to the Shipbuilders property owners and residents that I would see this project through to the end; the end is now in sight and I am pleased to report the progress to you. Should you have any questions, feel free to contact Town Hall. Thank you for your patience. Sincerely, Don Post, Mayor." This is September. This is four months, four months. A month ago, I totally re-landscaped my front yard, once again, with brand new shrubs, brand new flowers, 6 X 6 pressure treated timbers to hopefully keep the water out of my front yard; I spent a week in Hatteras; came home and my timbers are lying in the street. I have pictures to show you the damage. I don't know who is responsible for this; my question is when is this going to happen? I made a promise, Mr. Mayor? I made a promise to see this through to the end.

Mayor Post: And I have. I have made a promise and I would like Robin to report, as well as our attorney, because what has happened is that we have all the agreements, everything is done, except the prior lawyer when he was getting the easements up on Holly Lake, when he got the easements, didn't bother to get the easements for the streets; so now we have a problem of getting the easements for the streets; and that's what our lawyer, if you want to talk to that, that's what we're working on right now.

John Mead: This has only been five years ongoing.

Mayor Post: I know; well really it's been longer than that, because the drainage problem has been ever since day one at Shipbuilders because when that new part was built back there. I think it is a little bit longer than five years.

John Mead: I've been in the community for a little over five years and before all this came to be; the more houses you put in there, the more concrete you put in an area, the less water is going to go into the ground. They continue to build. You've got to do something. They continue to build. This is getting beyond ridiculous.

Mayor Post: I agree; I agree.

Mary Schrider-Fox: Everything that the Mayor said was correct and when everybody was getting ready to finally move forward, the easement in question that he's talking about in Holly Lake; it's my understanding that was previously was supposed to be a developed piece of property and at the conclusion of the development, the roads would be turned over to the Town; therefore an easement was not going to be necessary. That project has not moved forward and therefore we have to obtain an easement from the owner of that parcel of land. Robin has been in contact with the owner and with the owner's attorney many times; I've been in contact with the attorney and we are in the process of trying to negotiate that easement and as soon as that's completed, we should be in a position to move forward; but I know that when the Mayor sent that letter everybody had the understanding that all easements were in place that were necessary; and then we discovered this one additional easement for a small middle portion of the land that the Town has to access that we need to get in place in order to lock everything in place properly. It is in the process of getting done and unfortunately, sometimes that just takes a little time in dealing with the other parties that are involved.

John Mead: A little time? A little time is a few days; a few weeks; maybe a month. Not 5-1/2 years. My problem is this. My problem is when you go home at night, wherever, Mayor, Town Council Member, whoever, when you go home at night and there's a rain; you get to lay in your bed and listen to the rain and relax; I get to listen to a freekin' pump going whrrrr all night long; all night long and my yard still floods because the pump is incapable of moving that much water. If the Town can't get the easements, I suggest that they get a little bit bigger pump; or maybe a lot bigger pump; the water goes all the way to my front door; all the way to my front door. I'll bet you I have spent thousands of dollars in landscaping. The Town police officers cruise through the neighborhood, hey, how you doing. Have you noticed anything unusual? Can you do us a favor, keep your eyes out, we've got some drug activities; some gang activities; their tagging? I don't have a problem helping the Town out, at all. I will push the digits quick and call; but when I come to the Town for help, they put me on the back burner; this letter is not worth the paper is written on.

Mayor Post: You're probably right on at this point. We didn't put you on the back burner; because we did go out and spend \$10,000 on a pump and we will

have to look into it. My understanding was that it was working; I don't understand now; I've talked to other property owners that live right in your area. As a matter of fact, I talked to one three or four weeks ago and she said things were great out there, except she wants it fixed.

John Mead: Obviously, Mr. Mayor, things are not great. Can I present you these pictures?

Mayor Post: What's that Allen?

Allen Atkins: The pump did not start – we were out there at 11:30 – 12:00 and got it running; but they didn't call us until 11:30 to say it was flooded and we had to get a crew out there. The pump can't keep up with the water.

John Mead: If we have heavy rains, the pump can't keep up if it starts when the water goes in there at first. When it automatically comes on, the pump can not keep up; the water still comes up in my yard. There are pictures there from when I got back from Hatteras; these are 6 X 6 pressure treated timbers that actually floated above and beyond the curb that supposedly was going to fix the problem. They came out and they raised the curb and inch in front of my house; it's not working.

Mayor Post: Allen, will you take a look at that pump?

John Mead: I just want you to realize that I'm here for the Town; I want the Town to be there for me. That's all I ask.

Mayor Post: Thank you. We'll now close the public comment at 7:33 pm.

2. Call to Order called by Mayor Post at 7:33 pm. for September 14, 2009.

C Prettyman: I make a motion that we go into Executive Session to discuss a personnel issue.

C Hudson: I second the motion.

Mayor Post: We have a motion and a second, all in favor, "aye". We will go into Executive Session now and we will have to clear the building for a while. We will let you know when you can return.

C Prettyman: I make a motion that we come out of Executive Session at 8:11 pm.

C Hudson: I second the motion.

Mayor Post: All in favor say "aye."; opposed. Motion carried.

3. A Moment of Silence was led by Vice Mayor Betts.
4. The Pledge of Allegiance to the Flag was said by all in attendance.
5. Roll Call was called by Mayor Post

C Martin-Brown	Present
C Duby	Present
C Hudson	Present
Mayor Post	Present
C Betts	Present
C Prettyman	Present

6. Additions or Corrections to the Agenda
Mayor Post: Any additions or corrections to the agenda? Can I have a motion to approve the agenda?
C Duby: So moved.
Mayor Post: I have a motion and a second. Any discussion? All in favor say "aye". Opposed. Motion carried.
7. Presentation of Minutes for August 3, 2009.
C Prettyman: I make a motion that we accept the written Minutes for August 3, 2009.
C Abraham: Second.
Mayor Post: I have a motion and a second. All in favor say "aye"; opposed. Motion carried.
8. Approval of Written Committee Reports
C Prettyman: I make a motion to accept the written reports as have been presented.
C Duby: Second
Mayor Post: We have a motion and a second. Any discussion? All in favor say "aye". Opposed. Motion carried.
9. Town Manager's Report
George Dickerson: Good evening Mayor and Council. The first thing I would like to report on is the update for the Rails to Trails Project. This is Phase II and III, which is the unfinished portion, which goes from Federal Street to Lavinia. The Department of Natural Resources has approved our Work Plan, which has been developed to mitigate the contaminants which are there; and they have signed off on approval for that work stage in the Draft form; so that's good news for us. The next thing is that I would like to thank Allen Passman and Georgia Dalzell from the Chamber who worked very diligently with us and we had a very good meeting for Bargains on the Broadkill. I thought that was quite a success to work out those logistics and each of those worked very well with the Town. Tonight you are going to hear from Robin Davis with regard to our Comprehensive Plan. We had a Committee that was formed and there was some mapping that was signed off by those who were involved. One of the things that we have done, and a lot of other towns are also doing and following, is that we are just looking at minimum amendments to that; you have a scope of work that will be presented by Robin a little later tonight. I endorsed that plan. To meet the deadline which we have to do a full blown plan at this time would probably be estimated in the neighborhood of between \$50,000 and \$100,000. Obviously, in this economy, we would not choose to do that. I would ask you tonight to be very attentive when Robin is making his presentation, but you will see that the scope of work will get us to the end of December whereby we will be able to meet that and

we also have approximately, I believe, \$6,000 in funding with the State to help offset these costs. That's all I have unless there are any questions.

C Duby: I have a question about the Rails to Trails. The work that they have approved, is work that will be completed and covered by the grant that we got, the Brownfield?

George Dickerson: This is Brownfield money, yes.

C Duby: Great, thanks.

George Dickerson: Thank you.

10. Written Reports

a. Maintenance

C Prettyman: I make a motion we accept the monthly maintenance report for August, 2009.

C Abraham: Second

Mayor Post: We have a motion and second. Any discussion to the Maintenance Report? All in favor say "aye"; opposed. Motion carried.

b. Project Coordinator/Code Enforcer

C Prettyman: I make a motion to accept the Project Coordinator/Code Enforcer report for August, 2009.

C Duby: Second

Mayor Post: We have a motion and second; any discussion to the motion? All in favor say "aye"; opposed. Motion carried.

c. Police:

C Prettyman: I make a motion to accept the Police Report dated July 21 through August 20, 2009.

C Martin-Brown: Second.

Mayor Post: We have a motion and second. Any discussion to this motion? All in favor say "aye"; opposed. Motion carried.

11. Old Business

a. Presentation by Property Tax Associates, Blue Ridge Mass Appraisals, on the Town Wide Reassessment

Dave Hickey: I am with Property Tax Associates. I have with me tonight Jonathan Larson who is the Project Manager for doing the reassessment and also the company President, Curt Reilly. The reassessment process started last spring and we just concluded with the public hearings about two weeks ago. We've sent all the notification letters out to all the landowners that came in; we saw approximately 80 people that came into the hearings; in addition, about 20 other properties that we decided to make some adjustments to, based on some information that was brought to our attention at the hearings; so approximately 100 properties were reviewed during the hearings process. I have brought with me tonight, the certified property roll land book at the completion of the hearings that shows a total taxable value of about

\$363,000,000, give or take a little bit. I've submitted the official numbers to Mr. Dickerson's office. The process, I understand, just to let everybody know, it began by an analysis of sales that have taken place in the area in the last while; we recognized that the market had made a tremendous downturn since the peak in late 2006/2007 timeframe so property values have dropped considerably since that peak time; and the recent sales, plus what we saw in the market we trended the values down to take that into consideration. I'm hoping property values are going to turn around and start to rise again, but right now they are on the decline and it's just not here; it's everywhere. The process went pretty smoothly. If you have any questions about specific neighborhoods, I'll be happy to have Jonathan address them.

C Betts: Are there any other appeal dates?

Dave Hickey: There will be a formal appeals process for anybody who still wants to have an appeal, that's an annual thing, which is my understanding. I understood that would take place next spring; but in talking to Town this morning, they said it would probably be this fall sometime and I said it would be irrelevant to me when that happens; whenever you decide to have those formal appeals we will be more than happy to be here.

C Betts: Were there notifications of any changes or letters saying that they did not change, if you appealed your property taxes?

Dave Hickey: Yes, ma'am. Everybody that came in... I have copies of all the different letters that we sent. If somebody came in and we made no change; they were informed.

C Betts: What were they informed? How were they informed?

Dave Hickey: That we made no change. We didn't see any justification.

C Betts: You gave or sent a letter.

Dave Hickey: Yes ma'am.

C Betts: I never received one.

Dave Hickey: Who are you? Mrs. Betts?

C Betts: Mrs. Betts.

Dave Hickey: Well, they just went out Friday, so maybe they haven't been delivered yet. That's possible, we printed out that number and you're in the report here.

C Betts: I got another copy of a notice, but it didn't say anything.

Dave Hickey: They went out late Friday afternoon, so perhaps because this is Monday, they haven't been delivered yet. They'll probably be delivered tomorrow then.

C Betts: Then it will show how you can appeal?

Dave Hickey: It will say that the next appeals process will be set by the town in the spring. Unfortunately, it is my understanding now they want to have those formal appeals this fall, which is fine, when I prepared the letters I was under the understanding it would be next spring. What I said in the letters if you would like an appointment, to call the town office and give the receptionist your name and number and she'll keep you on the list and give

you a time when the formal appeals are going to take place, because it is my understanding the date has not been set for them at this time.

C Betts: Thank you.

C Duby: And do those appeals come to the full Council? Is that the next step?

Dave Hickey: Well some towns do it by Council; some have a citizen review board. I don't know how your town ordinance is.

Mary Schrider-Fox: The charter says Town Council.

Dave Hickey: Then you will be sitting there for the appeal.

Mary Schrider-Fox: I actually have a couple of questions for you. We have the reassessment ordinance, that's also on the agenda and I have a couple of blanks that we need to fill in that I'm hoping you can answer for me; according to what we need to put into our reassessment ordinance per State Law. The rate of tax per \$100, after the reassessment, is what?

Dave Hickey: It was \$0.18 in the original. That is what we posted in our notices. That was pretty much a revenue neutral number.

Mary Schrider-Fox: So that is the new rate of tax that we should have in our ordinances, \$0.18 per \$100.

Dave Hickey: That's the number, per my understanding.

Mary Schrider-Fox: Was there a percent increase above the last rate of tax?

C Duby: Decrease – the last one was \$0.41, wasn't it?

Mayor Post: \$0.41 or \$0.43. So it's a decrease.

Mary Schrider-Fox: So we have no increase. Just asking the questions according to what the statute requires me to ask.

Dave Hickey: What I did to get to that \$0.18 is we took the total taxable value of the real estate prior to the reassessment at \$0.41, would give X number of dollars; part of the process is the cost of doing the reassessment can be added on to the revenue so the final number, inclusive of that cost would be a tax neutral number; so there would be that little bit of an increase. But the number is substantially less.

Mary Schrider-Fox: Thank you.

Dave Hickey: Does anybody else have any questions? Thank you all very much, we have certainly enjoyed working here; this is a lovely town and my guys that worked up here all enjoyed the time spent here. The citizens were most cooperative and enjoyable. We got to know a lot of the areas of the town thoroughly, obviously because we went through and measured a large majority of the properties. It's just a nice place to be and I've highly recommended Milton to all my friends. I said if you come to Delaware, you've got to come by and see this place, especially my friends who like Dog Fish Head Beer.

C Duby: I do have one question. During the process of our deciding to do this and all of the discussion I hear about reassessment, there's this thing that people say that in the reassessment about a third of the taxes go up; and a third go down; and a third stay about the same. Is that what happened here? Is it vastly different than that?

Dave Hickey: I would say more than a third went down. It was probably more like two thirds went down. It was a big decline. That's reflective of the number of appeals that we had. Jonathan was here for essentially a week and a half and he sat around basically and he saw less than 80 people during that time frame. We were here, we were available, we were encouraging anybody to come, and we normally see a lot more. I really like to way you do it here in Delaware; to show what the tax neutral tax rate will be, because that way it gives the citizens they know what the out of pocket impact is going to be, even though their assessment went up a lot, a lot of people saw well it went up, but my taxes are going down. That was helpful. Any other questions? Thank you

b. Presentation of Reassessment Ordinance by Town Solicitor

Mary Schrider-Fox: You've already heard me mention this a few minutes ago when I asked a couple of questions. Now the draft ordinance that everybody has is not going to be exactly like what I'm reading, because I filled in some wholes and there is additional language there, but this reassessment ordinance is necessary in order to amend Exhibit A of Chapter 7 regarding taxation, Article I of the Town Code; because that's where we have our rate of tax set forth in the Town Code. Now that we've had a reassessment and we have a different rate of tax, that's changed so we have to pass this ordinance to make it official. So I'll read the ordinance, in its entirety. "An Ordinance to Amend Chapter 7 Taxation, Article I, Exhibit "A" of the Code of the Town of Milton by revising the Rate of Tax on Real Estate following a town-wide reassessment of all the reassessment of all real estate. WHEREAS, a town-wide reassessment of all real estate within town limits was performed by the Town Assessor, Property Tax Associates/Delaware Evaluation, Inc., pursuant to Section 25 of the Charter for the Town of Milton; WHEREAS, pursuant to 22 Del C § 1105 an ordinance establishing the property tax rate following a reassessment is required; WHEREAS, Exhibit "A" to Article I of Chapter 7 of the Code of the Town of Milton must be amended to reflect the property tax rate following the reassessment. NOW THEREFORE be it ordained by the Town Council of the Town of Milton, in Council met, a quorum pertaining at all times thereto, to amend Chapter 7 Taxation Article I Exhibit "A" in the following manner, to wit:

1. The rate of tax on real estate, including improvements thereon per \$100 of the assessed value upon total reassessment is \$0.18 per \$100. The above rate of tax exceeds the rolled back rate defined as hereinafter provided by 0%. The rolled back rate is the tax rate computed so as to provide the same tax revenue as was levied during the prior fiscal year.

Signature Line"

Some of the language in this new ordinance is required by Delaware Code by State Law, Title 22, Section 1105 that I referenced earlier about the percent increase, if any, and what is the rolled back rate. That statute requires that we have that in the ordinance, just to explain why that's there and wasn't in the previous Exhibit "A" that we currently have. So that's the ordinance. Are there any questions?

C Duby: Is a motion to adopt the ordinance, in order?

Mary Schrider-Fox: Yes.

C Duby: I move that we adopt an ordinance to amend Chapter 7 Taxation Article I Exhibit "A" of the Code of the Town of Milton by revising the rate of tax on real estate following a town wide reassessment of all real estate.

C Hudson: I second it.

Mayor Post: I have a motion and a second, any discussion to the motion? All in favor say "aye"; opposed. Motion carried.

- c. Review and Possible Vote on the Proposed Changes to Article II, VI and VII of the Zoning Ordinance, as Recommended by the Process Review Committee

C Duby: Mr. Mayor, if I can speak to this? The Mayor appointed a Committee to review the process by which businesses can get approved for a certain level of change; change of use; taking over a facility that was a business in the zoning district and our attempt here arose out of many, many complaints and I think probably very justified complaints; that we have gotten over the years, about how difficult and how burdensome the process is particularly when someone comes into town, takes over a store that was previously something else; wants to simply change the use, not do much to it; and so with the help of our staff, particularly Robin Davis, the Committee worked at some length; and many of the Committee members will tell you just how lengthy the process was; to try to come up with something that streamlines that process and that's what we're presenting to you. It has taken much longer than I had imagined it could take; but this is coming to the Council tonight. It has been through our Committee and then it went to Economic Development; it went to Planning & Zoning; so it has been reviewed by the folks that deal with that and it has gone to the attorney for sort of tinkering with the legal language to be sure that we've said things the right way. I'm sorry that you all didn't get it sooner so that you could look at before tonight, but we can't vote on it anyway, so I'm requesting that two things happen: 1) for those of you that have it in front of you, you see that it's possibly the smallest font that could possibly have been developed, and so I'm asking the staff if they would please resend this to you as soon as possible with a larger font, a little more readable, and 2) that you review this before the next Council meeting. My understanding Mary Schrider-Fox is that it has to be posted 15 days before the vote, is that the rule?

Mary Schrider-Fox: Because this is a zoning ordinance, we have to have a public hearing about the zoning ordinance so that the public can comment, etc. and we have to notice that in the newspaper at least fifteen days in advance of

the meeting; so we'll have the public hearing on the agenda at the next Town Council meeting to address this particular ordinance and again we'll have to get that published and posted in the newspaper fifteen days prior. With respect to the copy that everybody has with the very small font; I've looked at it and the reason for that is because of the tracked changes; if we remove the balloons in the margins with the comments, the font will be normal; it's a layout button that we need to click. I know the town staff can certainly do that and resend that to everybody.

C Duby: And maybe we can hang on to this one too, so you have the bubbles and you can compare the two, but basically the changes are not terribly substantive but just as a quick gist of what we have done. We have created a situation where if you are changing the business of a location and the previous use was approved for whatever district you're in. In our zoning ordinance there's a list of approved uses. If that use that you are changing it to is already approved, you qualify for this process and if you are not making major changes to the building itself. If you are not previously approved or you are making changes, you still have to go through the Planning & Zoning process; or if you are putting multiple businesses into it; this only works if you've got one business. So if you go into a store that was a retail establishment and you're doing another retail business, but it is just very different; it was a clothing store and you're making it into an antique store, whatever; those are approved and you're not making major changes to the building itself; you don't have to go through the Planning & Zoning process. You simply go down to Town Hall; you file an application form; you give general information about what you're going to do and it is a streamlined process. The Project Coordinator can look at it, check off the checklist and approve it and you can get it to go through. There's an appeal process to Planning & Zoning built in, but at any rate there's a number of changes that are all intended to streamline the process. I urge my colleagues to review it carefully and hopefully it will be made available. Is it going to be up on the website so the public can review it as well? I hope so if we are going to have a public hearing.

Mayor Post: Yes.

C Duby: And then we'll have the public hearing and hear from people about it and hopefully we'll be able to vote on it.

C Prettyman: I want to thank you very much for your presentation on this and that it's made simpler for people to do business and maybe this will entice more people to come to our happy little community.

C Duby: I hope so too and I find it amazing that it has taken us this long to do it.

Mayor Post: One thing I think it worked out very well in the end; but another thing to recognize in the Town Center Zoning District; we changed where there is no parking requirement anymore. We know that the parking is an issue in the Town Center; there are some businesses that don't even have parking spaces. So why put the business owners through this dog and pony

show of dealing with this issue; now they will not because we're going to exempt parking space requirements in the Town Center. Also, I just want to make note, that this does not address all other requirements from the State; all the State agencies; we even brought in DelDOT. Any change in any business is a change of use. Don't agree with it; none of us I think at the table I think agreed with it; frankly, he didn't care, because that's the State law and they're not changing it. So there is that process that will always have to be followed; if it sits on a State Road. If it doesn't sit on a State Road, then we don't have that problem.

C Duby: This is the thing, one of the things that our committee heard at the very beginning of the deliberations and we're all sitting around the table saying how are we going to fix this; how are we going to make it more streamlined; and one of our consultants gave us a list that said even if Milton as a Town and Town Government made all of these changes to streamline the process, here's a list of all of the State Agencies that have to approve that same business and we have no control over them: there's the Fire Marshall; there's DelDOT; there's DNREC; there's all of these State Agencies. So that's an important part of this. We've done what we can do; but it doesn't necessarily streamline the process overall for a business person because they still have to go through all of this. There's only so much we can do and we have tried as a committee to do it. We had a very good committee; I was very impressed with the hard work that people put in; but we've done as much as we can do, I think, and hopefully you'll tell us what you think when you look at it and come to the Hearing.

C Martin-Brown: I would also like to make some comments because the role of the Economic Development Committee Members was very helpful in this, in terms of pulling together or providing an opportunity for people to be heard who had a lot of problems and the Economic Development Committee is trying to move forward with the State Main Street Program and we're very grateful that the Mayor created a processing committee to cut through a lot of this stuff, as much as possible, so that the Main Street Program itself is more easily facilitated, so we thank the Mayor and the Processing Committee because we were looking forward to getting this in effect.

Mayor Post: And your Committee had an appointee from your Committee onto that Committee so they were well represented.

C Martin-Brown: So there was a nice synergy between the two.

d. Review and Possible Vote on the Proposed Changes to Article IV Section 4.9 of the Zoning Ordinance

Mary Schrider-Fox: This one everyone got a copy of tonight, as well. This is not going to be voted on. This is also just like the agenda item we were just on. It's a Zoning Ordinance so it will also be the subject of a Public Hearing at the next Town Council Meeting and voted on at that time. Everybody has two copies; you'll see one has lots of highlighting and underlining and balloons in the margins, perhaps with comments, etc. that all the various

*The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request.

people who have had a hand in preparing this; there are lots of different kinds of comments; read through it carefully; because some things have questions in the text; basically suggestions or ideas for the Town Council about what would you like to do; or what are your thoughts about certain ideas and how to revise this? I have to hand it to everybody that worked on this because it was an extreme amount of work. I admittedly had the easy part of reviewing it after everybody else already had. The second copy that you have is just what I call a “clean” copy; where I know sometimes reading through all the strike-through and all the different colors can give you a headache, so I accepted all the changes so that it incorporates it into the document; so you can just read it like regular text. It’s a little bit easier to read that way; if you get a headache looking at the other one; but the other one is important because you can see who made what changes and why. Another document that has been passed out to you is entitled “Notes on Milton Historic District Ordinance”. That one was actually prepared by Mr. Tom Reed who is an attorney who assisted the Historic District Expansion Committee in preparing a First Draft of this and he has lots of wonderful comments and explanations about some of the changes that he suggested and so that document has been passed out to you, as well; because it provides a little explanation or history of who, what, when, why and how from Mr. Reed’s perspective. It’s quite a lot of reading for you before the next meeting, but you’ve got until October, but I’m anticipating there aren’t probably questions tonight since you just got it; but I’ll ask anyway if there are any questions right now about those documents that have been passed out to you.

Mayor Post: These documents will be placed on the website, as well.

- e. Discussion and Possible Vote to Extend or Eliminate the Current Moratorium on Demolitions within the Town of Milton. The Moratorium is scheduled to Expire September 14, 2009.

C Prettyman: I make a motion that we eliminate the moratorium on demolition.

C Betts: I second that.

Mayor Post: I have a motion and a second. All in favor say “aye”; opposed. Motion carried.

12. New Business

- a. Request to Approve Private Well for Geothermal Heating System at 225 Chandler Street

Mayor Post: Is the person present or not? Robin are you handling this?

Robin Davis: Mayor and Council, Mr. James Haney came to me a couple of weeks ago and was building a new home at Preserves at the Broadkill and as part of the new home he is installing a geothermal heat system which requires the installation of two wells to complete that system. In the past, the Council has already approved three or four of these types of systems. The two wells will only be used for the heating system and have nothing to do with his

domestic water and all he needs, according to the ordinance, is approval from the Council.

C Hudson: I make a motion that we approve the private wells for the geothermal heating at 225 Chandler Street.

C Prettyman: I second.

Mayor Post: We have a motion and a second. All in favor say “aye”; opposed. Motion carried.

b. Review and Possible Vote on Scope of Work for Comprehensive Plan – Robin Davis and URS

Robin Davis: You received in your packets some information regarding the Comprehensive Plan Update. In that packet was the Scope of Work, the Proposed Schedule and the pages that were requiring the changes. As you are aware, the Town is required to do an update of the Comprehensive Plan in 2009 and we have received a Grant for the work associated with that. Debbie Pfiel from URS Corporation and I attended a Pre-Plus Meeting with representatives from state agencies. They reviewed our current Plan and made recommendations that they would like to see in our new Comprehensive Plans and the changes they would like to see. We took the recommendations from the state agencies and came up with the Scope of the Work that you have before you that we feel could be completed by the end of the year, within the timeframe, and within the budget allotted in the Livable Delaware Grant that we received. What you have in the scope there were nineteen items; starting from something as minor as the contact page all the way down to redoing some of the maps that the Town Manager had talked about that had already been approved in a previous committee. We also have the proposed schedule that we see, that we’re trying to adhere to, to make sure that we do make the time by the end of the year and get this up to the State for approval. As you see, if we do the scope of work tonight, we could go ahead and move forward and send this to the Planning & Zoning for their approval. There will be a Public Hearing involved in this too and then if the Council gives their final approval, we’ll send this to the State and get their final blessing.

C Prettyman: We have a committee on that, Mr. Mayor?

C Martin-Brown: Robin, am I clear that Planning & Zoning is Milton Planning & Zoning?

Robin Davis: Yes ma’am.

Mayor Post: Would they vote on it at their next meeting or would they do it at their following? Oh their next one is tomorrow.

Robin Davis: Yes, it would be tomorrow. It would be scheduled in October; it would be on the October 20th Planning & Zoning Meeting.

Mayor Post: Here’s my concern. We really haven’t had time to look at this; I’m not trying to delay it; but I was just wondering if we voted at the next meeting would that be enough time for them to have their... Did somebody say no?

Debbie Pfiel from URS: Mayor and Council, the schedule that we gave you, we wanted to make sure that the document was in hand at the County and the State in 2009; which is when you are required for the update; so the only thing we had actually in 2010 was your Public Hearing and your public comment time; so the month of December we wanted the Council and the public to have plenty of time. But based on the nineteen items presented in front of you, is the reason that we were projecting one meeting with the Planning Commission. A lot of it is tables and census data, so there's really not a lot of discussion as far as the top ten employers of the Town; the background on the census data. A lot of the information is derived from that. We didn't have any land use planning components for major discussions about changing land use; adding new types of zonings; new types of land use categories. Based on the scope of the nineteen items, we recommended the one meeting with the Planning Commission; we do have room in there but the change of scope; change of budget to have a second Planning Commission meeting in November if we needed to have it.

C Duby: I have a question. I'm a little confused if you're saying we have to have it to the State within 2009, but we're not even hearing from the public until January of 2010 about what they think about this, that seems...

Debbie Pfiel: Once again, of the nineteen items on the scope, are items that will not have State input. We've already met with the State Agencies, so we've already gotten comment back from all the State Agencies. We've also discussed it with Sussex County, as far as their input and what they want; but the tables themselves, they are going to find that irrelevant in the document vs. the land use planning sections, which are not being touched and are not a part of the scope.

C Duby: Well then, I would like to ask a question. This long committee process that you all went through over the last couple of years; this big committee appointed to look at comprehensive planning issues. I don't recall and maybe I'm more senile than I think and I missed it completely; but I don't recall anything from that committee coming to Council or being out there for the public to comment on. I'm a little confused as to how we can completely update the comprehensive plan without anymore input then we've had from the public or frankly, from the Council; so I guess I don't understand the process; if you could explain that to me.

Debbie Pfiel: I do think you do understand the process; but it's the nineteen items maybe that aren't as clear. If you look at the pages of the nineteen items, I would say that 80% of them are tables and graphics to update your 2000 data. However, the Town Manager and the Mayor and the Committee Members were in attendance at the Conference of Plan Amendment Meetings and the only item that came out of that meeting, other than several discussions of several topics, was the signed map to expand the annexation area. That's the only document that came out of all of those several meetings.

C Duby: Was there ever a public meeting where the public was given information about what our comprehensive plan looks like and whether the

public still believes that we want that much land available for annexation; that we want things to be laid out the way they are?

Debbie Pfiel: The only document we had was that map and since that completed timeframe was close to your update, the State would not allow you to do an amendment only; since you were so close to doing the update; they did not agree with having you do an amendment and then an update within the same 24 month period. So we held that project and the information that we got from that map, and once you get your final draft, we are definitely opening up to the public and want their concern. The reason we brought the scope in front of you tonight is from what I understand, you're having your budget meeting, there's not a line to do a full blown update in the budget. There's not a line item to rewrite the document 100%. If there was budgeted money, more than anything as your consultant I would say let's do a full blown update and get it exactly the way you want it; it's five years from your last plan; but as a lot of towns are running into, the State funding is not available anymore; we could not get you another grant; there's no towns that got Livable Delaware Money. Therefore, by not getting grant money, if a town wants a full blown update; it will be 100% out of the budget and most of the towns are going through minor modifications. I agree the document does need... It is your input; if you want more intensity in it, I'm more than willing.

C Duby: So then one last question. On January 4, 2010 when we have a Public Hearing before the Town Council to hear comments on the modified document from the public, basically the public can come in and say, I've looked at this, you've sent it to the State; it's all over and done with; I think it stinks; the next time you do it, do a better job; is about all they can say. Right?

Debbie Pfiel: Unless you have funding that would allow an update to be completed, I would say any input in these nineteen items would be carefully considered and written into the document if that's what Council wanted to see. But outside of the nineteen items, I think Council would even attest there are certain areas of the Comprehensive Plan that they are not happy with right now.

C Duby: Oh, there are a lot of them that I'm not happy with.

Debbie Pfiel: I agree with you. However, if it does come down to budgeting and modifications, by State Law you do have to act this year.

C Duby: So the grant that we got paid for that Committee process.

Debbie Pfiel: Correct and the remaining part of that grant is picking up the rest of this so you will be done with your update and off the State's list for another five years or until funding becomes available for the right correct update.

C Martin-Brown: Who was on that committee?

Debbie Pfiel: It was appointed by the Mayor. I know the Town Manager and the Mayor, Mrs. Weeks...

C Duby: It was representatives from a lot of committees, Board of Adjustment, Planning & Zoning...

Debbie Pfiel: I know several members aren't even on the same boards since we started that project.

Mayor Post: There were probably eight people there that I know; at least eight people.

Debbie Pfiel: About five regulars.

Mayor Post: I'm a little confused. Are you saying that the State will not allow us to have an extension until February 1?

Debbie Pfiel: You can have an extension, but your funding is attested to it as well. So we can get an extension into 2010 and we can have this go as long as the State will allow us; but the longer you go the more your scope and your budget would be affected. Just in conversations I've had with the Town Manager it is not budgeted for an update; unless there are other funds available through another line item.

Mayor Post: I know you want to keep us to the nineteen items.

Debbie Pfiel: I don't, I actually want you to do the whole book.

Mayor Post: I know she said \$100,000 or whatever, for the whole book; but if we decided right now that there was a piece of area that should be the Town Center, that has never been put into the Town Center, like extend it down to the Marina because that's not Town Center and it's a great way to extend the Downtown if we ever want to grow and get more shops and all. Why couldn't that be done now?

Debbie Pfiel: As a Council, you may not want to only consider those. I'm sure the people in the public and the Planning Commission and your boards will all have input and if it is not a limited scope, it will turn into a complete rewrite and we're willing to take any items that you want to add to the scope; it will also change your budget; it will also change the schedule; so it's very hard to write a document this limited but we need clear direction on how you want us to go and then if the Council opens up additional items, the public may want to as well; which would involve a complete rewrite.

C Martin-Brown: Every time I was last five years, off and on, as you know, I was involved in this Comprehensive Development Plan; and when I was on the Committee and I didn't know I was off the Committee, so this is an interesting phenomena in and of itself; it was already cooked; it was already de facto; the horse was already out of the barn; the Plus Committee had already met; Sussex County Council was already involved or their Planning & Zoning Process; and every time we've gone through some remediation of this I have heard time and again that it's too late or there's no money and how do we own from a bottom up municipal based decision process that isn't floated sort of above and beyond our reach until it's all cooked? I'm very, very concerned about this because when Ginny Weeks and Linda Rogers and I were on this Committee we were told the same thing; that this was all done. Is this thing going to Milton's Planning & Zoning for them to go through the entire thing and see what they think before there's a public hearing?

Debbie Pfiel: I was asked to come tonight with the scope from the Plus Meeting, under the direction of the Town Manager, with the Project

Coordinator, to bring items from the Scope so you'll be eligible to meet your deadline and within the budget of a grant; because there is not funding available for an update. It is not cooked; it is not premeditated; there is public involvement; the problem that you run into is if you want an extension from the State, it is not a problem to rewrite your document. It would just need to be a commitment from the Council and a funding commitment from the Council of what portions the Council and Planning Commission want to be updated.

C Martin-Brown: Could we have a citizens committee that wouldn't cost us any money do that?

Debbie Pfiel: That's an option if you want citizens to do the full blown update; you would need to have your engineering map or a consultant involved somehow.

C Duby: Why are we hearing that we have this short amount of time to do only these nineteen things now, rather than way back when that committee was appointed? I'm very confused as to why there wasn't more back then that was done, rather than having this committee from what I can tell spin its wheels for two years or whatever and now suddenly we're saying well gee it's between now and December and you've got to have it done.

Debbie Pfiel: There was a letter prompted under the new regime with the Governor that Livable Delaware Funding, if it is not applied for by next May and used by next July, will be defunct; you will not get a penny at all; from a grant that you already have.

C Duby: What I'm saying is, way back when, when this committee was formed, we had the money and we never had any input into what was being done.

Mayor Post: I think Deanna what she said is that the money that we had limited us to the amount we could with the development of a new full blown Comprehensive Plan. We never had \$100,000.

Debbie Pfiel: You had \$10,000.

Mayor Post: I remember doing both of the Comprehensive Plans. It was very costly. A beautiful publication came out of it; so I think the key here is do we want to make a commitment that we want to do a full blown...

C Duby: Obviously we can't, we don't have the money; we're already looking at a budget deficit.

Mayor Post: We never had it; we never had the money though.

C Duby: I'm just concerned that what money we did have, was perhaps not well spent; because we don't have much to show for it.

Mayor Post: Well for \$10,000 you're going to have the Amended Comprehensive Plan filed, we're legal in accordance with the State of Delaware, so we're not in violation; so in today's time of what I see these things costing; I would say \$10,000 was probably a fair estimate of what it would be.

C Martin-Brown: Mr. Mayor, what we're really looking at then, is a State levied unfunded mandate.

Mayor Post: You're probably right on that.

C Martin-Brown: That unfunded mandate really bypasses the process; equally important the vision of citizens who have a chance to come together and say this is what we would like for Milton to look like in 10 or 20 years and I feel shoved up against the wall one more round; so I'm not happy about this; \$10,000; \$100,000,000; whatever; it's bypassing the roots of the community.

Mayor Post: I agree, would you like to put the money into the budget tonight?

C DUBY: We can't, it's not an option.

Mayor Post: Yes you can, we can get an extension; could we not get an extension, like a six month extension from the State.

Debbie Pfiel: Robin Davis and I went and met with the State as far as an extension time; as long as they know you are working on it; we have the funds, which depend on your scope will be spent; so we can get that grant; it's going to be passed the \$20,000 that somebody would have to pick up the tab; and we do agree with you on public input; but the first Comprehensive Plan five years ago was not State funded either. There was \$10,000 given to the Towns that applied and \$10,000 doesn't go far with the complete Comp Plan.

C DUBY: If we completely redid it, you're talking about somewhere between \$50,000 and \$150,000; so for us to put that in the budget at this point is insanity.

Debbie Pfiel: Right and a lot of towns...

Mayor Post: But if we're talking about \$50,000 and getting a really good committee; there's a lot of talent in this community; you could probably do it for \$50,000 and have a good product.

C Betts: Well, why wasn't it done already?

Debbie Pfiel: Some municipalities try to budget each year to keep it in the budget and they're all doing it contingent.

C Martin-Brown: Can the citizens of the Planning & Zoning do it?

Mayor Post: No, if you want a community vision then it can't be either a Council or a committee vision; it needs to be a community vision that's brought forward to the Council and into the Planning & Zoning.

C DUBY: But I think there also needs to be some education and some assistance, for example: several of us the Chair of Planning & Zoning and myself, or two of them, went to a series of meetings that were sponsored by the State Planning Office and had some people from the University of Delaware there and talked about the planning process; I would guess that some of the people from State Planning or from the Institute for Public Administration at the University of Delaware would be willing to come down and meet with us and make it a public meeting and say to citizens these are some of your options; this is what it means when you make the decision to do this; use the LPD for example; or expand or contract the area that the town wants to designate for annexation. I don't think lay people, and I include myself in that, understand all of those issues and so it is not just a matter of getting a bunch of people and saying let's do this, let's do that; you need some guidance and some help. That takes time and if at the end you have to

completely redo that plan and redraw it and have engineers do it and so on, you're talking about a significant amount of money and a significant amount of time. I would like to have seen us understand all of that going in and do it through the past 2 or 3 years when we knew that this 5 year deadline was coming up. I don't think that was done; at least it is not my perception that it was; either for money reasons or whatever; and I think it's too late to think about it now, because of the cost, but I would like to say that I think as soon as this one is done we ought to start doing some of that education and having some of those kinds of meetings so that we get that input from people and that the next time our Comprehensive Plan does not just simply reflect what a small group of people or some consultants or some engineers or whatever or frankly the State telling us what to do and what they want; but reflects what the people of Milton want.

C Prettyman: C Duby I have to go back and I was a part of the original Comprehensive Plan some years ago and, in fact, I sat on a couple of them and that is exactly how it was done. We had the public involved into it and we had outsiders involved into it and that's how we came up with the first one and then a few years later I was on that one also and I don't know what has happened now that we have diverted and left the public out, because they live here too and I think they should have the rights to have some say in what is going to be around them.

C Martin-Brown: Mr. Prettyman, the University of Delaware did have grants available to invest in citizens the way my colleague is talking about; and even tonight I don't know what has gone on to update this; but if we had grants in the University of Delaware and invested in the citizens then they could be very engaged in the public hearing based on what they had learned through that educational process; so we have to invest in them before they can invest in the process and again, we're out of luck this time.

C Prettyman: I agree with you 100% and in the past it was more dealing with the State and the public. I am talking about the first two that I sat on.

Mayor Post: As a matter of fact, the people spent the whole summer here, there was a couple, as a matter of fact he lives in Lewes now and I forget the name of his agency and he did the Comprehensive Plan. David Nutter, I think they lived in New England at the time that we hired them, maybe 15 years ago; and Mr. and Mrs. Nutter spent most of the summer here doing that plan.

C Duby: This was 5 years ago?

Mayor Post: No, this was maybe 15 or 20 years ago. I remember the publication that came out of it; that was the first full blown Comprehensive Plan that we've ever had. After that we've never had a full blown Comprehensive Plan.

C Prettyman: We worked on that plan for a long time.

Mayor Post: This document that we're work from today is a living document.

C Duby: Think about what's happened in this area in 15 years; it's a different place and the idea that we're just going to update the census tables or something and not really take a new look at this and see if where we are today

is where we want to be or what direction we want to go; or the citizens to look at it and tell us what they want and have us review it. When I say we, I mean the people of Milton, I don't mean the Town Council.

C Betts: I think we have a problem with it; that we haven't had the chance to do that; a big problem. I'm not ready to vote on this.

C Abraham: In my opinion, just going through it, there are some businesses that we no longer have, but we have some very fine businesses that probably could be mentioned in their place. It mentions, for instance, the Hot Air Balloon, we don't have that; but we do have the Horseshoe Crabs; so if we're going to promote ourselves, we need to kind of update what we're promoting.

Mayor Post: Are you familiar, since you guys are the gurus in this whole thing across the State, familiar with any University of Delaware money out there?

Debbie Pfiel: We have done several Comprehensive Plans where different municipalities some have done nothing; some have done modifications; and some have done a complete rewrite; but I can let you know that if there is a grant out there, we did not get it, like we have gotten your two others here. It's pretty slim that we wouldn't know about it. I do know that University of Delaware was hired under the Office of State Planning for Budgeting and they got cut by several thousands of dollars this year to do work for State Planning. That has a huge affect on State Planning's role and so does the new regime within what the State's going to make you do and what they're not going to make you do. I do know the State IPA is not working as much as they have been in the past for State Planning based on the State's budget. That was a really good area to turn to. On your last Comp Plan, we got all the maps for free from them.

Mayor Post: We use them at the State, as a matter of fact; they have done health plans because they are doing the walkable communities, which is something in today's thought in the contemporary world that we live in. It needs to be incorporated even into the Comprehensive Plan about the encouragement of walkable communities and in all of these developments there has to be connectivity. I agree 100%, I think we're missing the boat here and if we base this all on cost, I don't know what the answer is there.

Debbie Pfiel: This is not our company's idea of the best way to move forward, but it is the realism for most municipalities on what to come within State compliance. We host workshops; we host open house; we host visionary; you know you can do that at the University of Delaware IPA; several different functions. I asked to give you a scope within your remaining grant budget and that's what we've done tonight.

Mayor Post: If any of these numbers or things are wrong in here; how difficult is it to change that? Not on your end, I mean we don't have to pay you to do it; but if there were specific things that somebody said about changing it from the Delmarva Hot Air Balloon Festival and put in the Horseshoe Crabs, or whatever.

Debbie Pfiel: That section is the section for the businesses, the top 25 employers, your background age, median household income; all that is in here

and that's pulled from the census data; but we do have a column of what Robin's going to be working on in-house to try to keep your costs down. We know that your maps and your Comp Plan are outdated, every layer in there; your town limits are wrong; so we're going to try to stick to the professional side of things that can't be done in-house and have Robin and the staff work on everything that can be done in-house.

C Duby: So those things that are wrong are being updated; that's part of the scope.

Debbie Pfiel: Correct. Your mapping will be up-to-date.

C Betts: Did you know of these errors in here, like the Hot Air Balloon? Do you check that out, to see what's still in the Town?

Debbie Pfiel: Do I?

C Betts: No, your company.

Debbie Pfiel: I personally leave that to Robin. We try to get with a coordinator or somebody from the town that knows exactly what the town is. I do not honestly know all the functions at all of our clients, so thank goodness you have a staff member that will be able to dedicate time to this and go...

C Betts: But we can make corrections.

Debbie Pfiel: And my recommendation is that if it is within this scope, yes, for the price of your grant, anything changing the scope we would revisit and see who could do it and what it would cost.

C Betts: But errors can be corrected.

Debbie Pfiel: In this document we've given you, yes.

C Betts: So that would give us time to go through it.

Debbie Pfiel: We're trying to even stick to the page numbers being the same so this will be an easier process for you.

C Betts: So if we don't pass it tonight, we can say have a week or so to do it; will we have time?

Debbie Pfiel: The only thing we're asking for tonight, because you haven't seen any changes, we're asking permission to move forward. All the pages that you have in front of you are the pages that we would like to be considered in the Scope; we would then work on them and have them to the Planning Commission. I believe we gave them 2-1/2 weeks to review the Scope, if adopted tonight; and see what comments we get from that meeting. If their comments relating to this Scope; they'll be taken into consideration; if they are not relating to this Scope, I'm sure they'll be minutes for the records of items that they want to see corrected in the future. At that point, we would like to release it to the public, after Planning Commission consideration and to the Council; so the month of December into the public hearing there can be plenty of time for people to get the document ahead of time before it even gets considered as the Final Draft to the Council. Then if you have to have more than one public hearing, we would have to go into the February timeframe.

C Martin-Brown: But public hearing is simply looking at all the changes and maps and statistics about population, so it's a bureaucratic exercise. I don't know what content it would have. It's interesting to read, whether we have 4

people in town or 22; but the public hearing process, in my own experience, is all about people's perception of an issue and how they want it solved. You don't have any task in this for the public to address; it's just validating the information, is that correct?

Debbie Pfiel: Within the Scope of what is within the grant budget, there shouldn't be a lot of discussions on census data. There can be and it can be contested and I agree with you, but you are required by law to have a public hearing on anything that gets voted on. This is within the Scope. I agree with you on the land use components; I agree with you on having to write mixed use density; getting the Town Center squared away again; discussing parking; the visionary; everything that the previous committee and your public citizens that attend every one of your meetings with input; however, if you have this Scope and this is the Scope and the direction that Council wants to go, this is the Scope that we would consider for public hearing.

Mayor Post: The process would be that it goes to Planning & Zoning next.

C Duby: The process is that we approve the Scope of Work that they have proposed and if we do, then it goes to Planning & Zoning. That's the first step in the Scope. And it certainly seems to me that we don't have a lot of choice on what the Scope of Work is, given the timeframe and particularly given the money.

Mayor Post: But, could we, it's not going to help much, but if we would apply for the extension, they know that we're doing it, send it first over to Planning & Zoning for their review; it comes back to us; we would know whether they wanted to extend the Scope, as well; by that time we would have time to review it; and, you know, quite frankly if it makes an extra sixty days, it makes an extra sixty days. That way it would go to Planning & Zoning, let them have their review of it, and then they come back and we can still entertain any of their review of it; recommendations if the Scope is correct or not. In the meantime we can be looking at this more in depth; then we come back and we send it back. I know it's an extra process.

George Dickerson: Are you going to limit the Scope of Planning & Zoning just to the Scope that you have before you? Is it your intent of the Scope that is identified to be the only review of Planning & Zoning?

C Duby: I would hope not.

Mayor Post: I would hope not, but I know that's where you're saying it's going to get into more dollars. I understand what you're saying. You're saying that if we don't limit ourselves to the nineteen items, then that means that it is going to have a bigger price tag for the finished product.

C Martin-Brown: Well maybe Mayor we have to realign some of the other budget items we have to accommodate a plan that influences all the citizens for the next five years.

George Dickerson: If I may, the process of the Comprehensive Plan Update is probably a couple of years old now; the committee was formed and it was a lot of work that was done at the start up of that. There was a lot of good talk; there was a lot of discussion; there was a lot of mapping; there was some

signing off on areas that were there. The committee work fell off. Nothing was done. That's why we are where we are here today. These two people here have worked diligently to come up with a plan before you of Scope of Work so that we could move this project forward. Now if it is your decision that you don't want to fund anything else, that's fine; that's Council's decision. The Plan, as you're talking about it tonight, will require a lot of work and a lot of money. What I'm fearful of is what I've seen the past two years; is no activity in the committee or no interest in the community to attend the meetings to do anything. That's where you are. Thank you.

Mayor Post: I want to comment on the fact that the committee. The committee is driven by our contractor and quite frankly I attended those meetings and I didn't think there was anymore input. The thing is the meetings just stopped because we were told that our part was finished. So, I don't think it is very fair to say that the committee didn't do their work. I'm saying that we were told that after we reviewed and I know the last thing that we looked at were the maps and we discussed some boundaries, and that was it; we did not hear anymore.

C Duby: Mr. Mayor, the Chairman of Planning & Zoning has her hand up. Can we hear from her?

Mayor Post: You know, I hate calling out from the floor when we're discussing something, but if she wants to come forward...

Virginia Weeks: We were told that the reason for that committee was to look at expanding the growth area of our Comprehensive Plan Growth Area Map and that is all we were focused on. We were never told we were supposed to be reviewing the Comprehensive Plan. That was never part of the Scope of Work we were given. I find this situation that you find yourselves in, extremely unfortunate. This Town has turned into it's like the Hatfield's and the McCoy's. Perhaps a Comprehensive Plan would be someplace where we could all come together and figure out what we want to do with this town to make it work. The public has been kept out of this; this has been brought to you at the last minute; Planning & Zoning is not going to get it until the end; I am sure that other towns do not do it this way; that they have different ways of doing it. I think that there might be University of Delaware funds available through Dr. Farrell, if you spoke to him. They've used them on zoning things in Lewes on the study of senators and governors and even some of the Townsend/Lingo thing. But, I, as a citizen of this town, find it a terrible thing that we're going to have a public hearing in January that the scope of what we feel of what's needed to make this town better is being left up to the Plus Committee. That is an awful thing, an awful thing; and if you wanted to get this out a little faster, put that on the website; put copies in the library; put copies in Town Hall so people can go and look at them and then set it up so that there is a special public hearing in October. You need 15 days for a public hearing. Have one in mid-October. I don't understand what the timeline is here. I find it very upsetting. Thank you. [Applause]

C Prettyman: I agree with you Mrs. Weeks and I don't understand; like myself, I was not asked; they appointed people to the committee and yet I sat on the first two or three committees with Mr. Nutter and everything and that could have aided and helped the process, but here we are and we just have to make a decision this evening where we're going to go from here.

C Duby: My recollection the way the committee was appointed was not that it was just a committee that was appointed, we had a big meeting out at Mariner's School and people were divided into groups. We had the Planning & Zoning Commission go off; we had the Board of Adjustment go off; you had a number of other town committees that went off in various corners of the room and they were to make a decision about who was going to be their representative on the Comprehensive Plan Committee and it was not the Mayor; well maybe officially once those committees had designated it; maybe the Mayor had to make the appointment based on who they put out there; but that was the way the committee was put together. Not that that makes any difference at this point, because it's water under the bridge.

Mayor Post: No, it's irrelevant, but the thing is you're exactly right, because you might not have been on it, but Deanna is 100% correct. It was a bizarre way of how the committee leads were chosen out there, because I remember when it happened and there were some people that were arguing back and forth that didn't make the cut.

Debbie Pfiel: It was a recommendation from our company and I'll take the heat. URS recommended that a person from each committee, because the Historic Commission has a vision; the Planning Commission has a vision; Economic Development has a vision; and sometimes not all the visions come together. So if you could get a liaison like we worked in that approach to get everybody to one committee and the scope, Mrs. Weeks is correct, the Scope was for an Amendment to the Plan and it was the Annexation Growth Area only. There's not been another Scope to discuss updating the Comp Plan. There's not been another Scope asked from our company or anybody else.

C Duby: But was the assumption that we were going to figure out how much growth we wanted rather than looking at the issue of growth generally? That's an assumption right there that lays out an agenda.

Debbie Pfiel: There's two parts: one was where do you see the growth pattern happening, because the last Plan was five years ago; so when we met with that committee it was where was your growth happening and were you within the Sussex County boundaries or did we need to get the County involved in additional land? That was the first part. The second part was, were the land uses appropriate and that's where the committee got a little bit more intense in discussion about the LPD and about what the land uses were; those changes city or town-wide were not in that Scope. We had several discussions of those. Once we got the Annexation Growth Area Map and we had the signatures from the committee; the next step of that was to bring it to the Planning & Zoning Commission; was to bring it to the Council from the committee. The reason that did die and Mr. Dickerson is aware of it, is you

were close to your update; we were within a year of your update; so the State Planning will not just take a map change when you are within a year of an update. So they said we're going to see your whole rewritten document. Once again, then I got the call from George not to long ago to come up with this Scope; we got the letter Stephanie received from the State saying the funding will be cut off; so you definitely want to spend the funding; if you want to go past the funding point, I think it's a great idea to rewrite the document; I think it's a great idea to have the public involved; but, once again, it comes down to funding and that's where most towns find themselves right now. You are not the only town that does not have the appropriate funding to do an update like you wish to have.

C Martin-Brown: Debbie, we can go on all night about this, but I was in those early committees about where we are going to grow and stuff and I was at that point on the committee, because I was chairing the charter committee and the process occurred like Deanna described. In those meetings and I'm looking at your process, when we went to those meetings about where we were going to grow and where we wanted to grow; you were very clear to circumscribe to us how much we could really influence that; it was either up or down. Now, I have to push back, because when I was on that committee, the parameters that you had set...

Debbie Pfiel: It was not me, correction for the record. The State and the County determined different parameters.

C Martin-Brown: Okay, the County and the State and at that meeting, I kept saying well the Municipality has a sovereignty of its own. Why are we being told this is what the State and the County wants without our role being asserted as a sovereign entity in governance?

Debbie Pfiel: There are several layers, but the people on the committee that were in the education process, State levels of strategy spending; that will dictate what a Municipality can do. That is a State that's a Level 1, Level 2, Level 3 outer play. We went through that whole seminar on one of those meetings. The second one is the County. The third one is if you have water and sewer capacity and the ability to expand; so there are some State, Federal and County regulations that do assist in the way you massage your boundaries.

C Martin-Brown: But if we have the capacity to expand, how are the citizens able to express their sentiments about whether or not they want to expand, even if we have the capacity.

Debbie Pfiel: You do the process in a public workshop; that's what is normally done. We hold open houses where the public comes in. You do visionary questionnaires. We did mailings in Dagsboro; we did mailings in Millsboro.

C Martin-Brown: We didn't do it here.

Debbie Pfiel: That's correct, we haven't been asked to do it here.

C Duby: We probably didn't have the money to do it.

Mayor Post: All right, we could discuss this all night long and we could play the blame game all night long. Let's put it this way; the contractor was given X amount of dollars; she knows what her scope of what she can work in within those dollars. You can't turn \$20,000 or \$10,000 into \$100,000. Also, this needs to be a vision for what everybody wants; not just committees; I agree, it's the public as well and this isn't about stopping growth or if seeing if we can reduce annexation or whatever. This needs to be a Plan that incorporates how we move this town forward. This shouldn't just be looked at as an opportunity to just rewrite land use or get rid of an LPD or whatever; all these things have their good purpose; but they certainly need to be tweaked. LPD would be one of the first ones. It doesn't necessarily need to be removed; but it certainly needs major adjustment. We've missed an opportunity; how do we want to go forward; we had \$20,000; we just got the basic bare bones, which is what this world is about right now and I've said it 50 million times, we don't have the luxury of printing money or borrowing from China; so we've got \$20,000; they did their work; now how do you want to go. We can say send that Scope to Planning & Zoning; they can review that but we don't stop there. That gives us 30 or 60 days to determine if we can locate money or funding to make it. We still have to have those nineteen things addressed. From there, possibly, we can locate funding and expand it, if we want. Then yes, you do need the visionary groups; yes you do need facilitators; yes, it will cost money. Again, I truly believe that we also have a wealth of knowledge and a wealth of expertise within our own community that could help offset some of that, as well. We need to start first of where we just get the nineteen things and then if we want to move forward, let's stop the who shot John and let's see how we can make the best of it.

C Betts: Mayor Post, how long have we been doing this?

Mayor Post: I would assume it started under Bushy.

C Betts: Why did he wait to come to just this?

Mayor Post: It was a whole process.

C Betts: It took until now to do this whole process?

Mayor Post: Yes, it did. Let's not start going back into the blame game.

C Betts: I just wondered how long it took.

Mayor Post: It took several years and that's how things took; how long did it take to do the process.

C Betts: Now we only have a few months.

Mayor Post: I agree, but the thing is I believe the Plan all along this was just going to be bare bones Comprehensive Plan and anybody that was here in the original Comprehensive Plan, it was very costly. It was excellent and I would love to see something like that again because when you talk about bringing a community together, if that's possible, I think that's one way. We all have different opinions; there's people that want growth; there's people that don't want growth; there's people that care about the downtown; there's people that don't care about the downtown; but overall, they all care about the Town one way or the other. They all have something to contribute. So if we want that,

we could probably do that type of thing, with very little money, as far as I'm concerned. It doesn't take educated people to know what they want; it's just to bring them together.

C Duby: Mr. Mayor, it seems to me that the basics are that in order to meet the deadline and get the work done that we now have the money for, we need to approve this scope of work; but what I would like to do in the process of that approval is to ask that we explore additional sources for funding so that if we can expand it, that we do with some funding. Because we can't fund it out of the budget. I would say particularly Item No. 14, which is the Land Use Section, which is the one that I think is the most relevant to the kinds of things that we are talking about. But we've got to get the process started; because these items, as our consultant and our staff have pointed out, have to be taken care of; but I would like to see our staff explore options for funding either with the University of Delaware or other possibilities.

Mayor Post: Well, IPA, I know them as well, and I'm going to talk to them tomorrow. I'm just curious to see if there's anything there with IPA.

C Duby: So I will move that we approve this scope of work so that it can begin going through the process, but also a part of the motion is to instruct staff and any of us that have the ability to do that, to move as quickly as possible to identify additional funding to expand the scope of work, if at all possible without our funding it through the Town's budget.

C Hudson: Second the motion.

Mayor Post: Sounds good. We have a motion and a second. Is there any discussion to that motion? All in favor say "aye"; opposed. Motion carried.

c. Discussion and possible vote to approve the Fiscal Year 2010 Budget.

Mayor Post: We're still short big time. Jenn, if I understand this budget, what you've done with the revisions and the discussions of the budget meeting, you added in one officer; so this budget now reflects nine officers, is that correct? Then on the front page you have the tenth officer and what it would cost; and the employee health coverage of \$38,000; and the SALLE funds available are \$4,451; the EIDE funds available are \$3,730, which I am sure can be used to offset current things in the budget. Now let get in my own mind the \$38,000 would contribute towards reducing the current deficit, correct?

Jennifer Cornell: Correct.

Mayor Post: The \$50,000 would not?

Jennifer Cornell: Correct, that would add to it.

Mayor Post: It would add to the budget.

Jennifer Cornell: Yes, it would add to the budget deficit.

Mayor Post: I believe what I looked at, which was rather depressing after all that work the other night, \$110,000 deficit, around it?

Jennifer Cornell: \$90,000.

Mayor Post: \$90,000, well okay, it's not quite as bad of a bleeding.

C Duby: Now would the \$50,000 be on top of that?

Mayor Post: Yes. Yes. And the \$38,000 would reduce that; so if we deal with almost \$40,000 and you said it was \$90,000 at the end; so \$40,000 without a tenth officer, will still make us \$50,000 short; which we need to get to that point first before we even start entertaining the tenth officer.

C Duby: What are the SALLE and the EIDE funds? Are those there because that...

Mayor Post: Hasn't been applied to anything, so...

C Duby: So that would be available to offset part of the \$50,000?

Mayor Post: Yes. It could be.

C Duby: It could be applied to salary and benefits for a tenth officer.

C Abraham: Isn't there a stipulation on the SALLE grant on how you use it?

Mayor Post: Okay, then let me ask you this; what in the current budget could the SALLE funds and EIDE funds be used for? Gas, maintenance...

Chief Phillips: Drug purposes [unintelligible].

Mayor Post: So you're saying that the SALLE and the EIDE is solely for drug purposes.

Chief Phillips: I've had research to prove it, that [unintelligible].

Mayor Post: So if it's for drug purposes, then therefore we would not be able to...

Chief Phillips: [unintelligible].

Mayor Post: So it could be applied to overtime.

Chief Phillips: For narcotic drug investigations, but I don't believe it could be used for regular overtime, no.

Mayor Post: No, but I'm talking about and I'm sure there's overtime that is contributed towards narcotic.

Chief Phillips: Negative. Anytime we do narcotics overtime or having drug deals, it's used from EIDE and SALLE money; that's what we use it for every year.

Mayor Post: So you use it anyway.

Chief Phillips: For narcotics investigations.

Mayor Post: To offset overtime or...

Chief Phillips: No, for narcotics investigations; we do narcotics investigations we use that money, yes.

C Hudson: But not like if somebody is working overtime to fill in 80 hours or to cover for somebody else on vacation.

Mayor Post: No, but I was saying if they were working on a drug raid or stakeouts or things like that. I just don't know what the answer is. You whittle too much, you're going to be where you're going to whittle yourself to failure, no matter what.

C Duby: Yeah, you're going to go over budget. If we whittle it down in the budget and then we have to spend it anyway.

Mayor Post: And I see what you did with the heating system, is you left the heating system in, even though it was supposed to be removed; but you put in the Burn Grant, correct, Jenn?

Jennifer Cornell: That's correct.

Mayor Post: So there's nothing there. Keep in mind, we will have to revise the Employee Handbook if we do reduce the insurance where they have a 30% pay; so just remember that will have to be done. It probably should be done prior to the next meeting.

Chief Phillips: Mr. Mayor, am I hearing that there is still money left for a new car?

Mayor Post: I don't think so; just hold on one second.

Chief Phillips: Line Item 5808 shows that.

Mayor Post: But I think you have one car that still needs to be paid off.

Chief Phillips: That would be line item 5802, I believe.

Mayor Post: Where were you talking, 5808?

Chief Phillips: Yes, Sir.

Mayor Post: That's the one where you were going to sell hopefully to get \$10,000 in cars by selling the old ones. There's the police car, year 3 of 3, we know we have to pay that \$10,003; we removed police car no. 3 that was listed in there which is 5803; and the other one is the wash where you were going to get a new car or do something and then sell the old cars.

Chief Phillips: I don't know if we'll get that much money for them or not, but we'll do the best we can.

Mayor Post: Or we have the option of not selling the old cars, or selling the old cars and still not getting a new car and remove the \$10,000. Yeah, they're getting a new car with that \$10,000.

Chief Phillips: We were talking about a used car, not a brand new one.

Mayor Post: Yes, a used one.

Chief Phillips: Yes, Sir.

Mayor Post: Yes, new to the Police Department.

C Prettyman: I need help down here. At 5804 what is that \$10,750 for?

Mayor Post: That's everything with the evidence and the basement; they just combined it together for the repairs down in the basement and the evidence.

C Prettyman: I thought we were going to through the grant thing.

Chief Phillips: Also, Mr. Mayor, how soon can we make the repairs to the basement? This last rainfall, we had an excess of water in there. I had photos to show everybody; I don't have them with me tonight; but we did get a lot of rain in that basement.

Mayor Post: Right now, I would say the budget starts October 1st, so that's when we would be able to do it.

Chief Phillips: Okay.

C Hudson: So are you saying you would have repairs to the basement built into this budget? Is that it?

Mayor Post: It's here, Mary. It's at 5804. It's Dry Zone.

Chief Phillips: Would we be allowed to have them do the work now and pay them later or does it work like that?

Mayor Post: No, it doesn't work like that.

C Martin-Brown: Could we formalize that approval so that we have something in writing from the Mayor to the Police Chief that says he is hereby authorized, effective October 1st?

Mayor Post: You have it when you pass this budget at \$10,750.

C Martin-Brown: So it is authorized effective October 1st.

C Duby: If we pass it, he has it.

Mayor Post: Yes.

C Hudson: If we put in the heating system, we are not going to clean up the evidence system in the basement?

Mayor Post: We're doing both, Mary. But the Burn Grant in the revenues is what is supposed to be covering that \$14,860.

C Duby: Well, if the Burn Grant is big enough to cover both, then why does it say if the Council chooses to amend the Burn Grant to be used for the heating system, the proposed budget for evidence cleanup has to be funded from another source? It doesn't sound to me like it will cover both.

Jennifer Cornell: The Burn Grant is only for \$18,000 so it will not completely cover both items.

Mayor Post: We're not asking for the other to be paid by the Burn Grant.

Chief Phillips: We can always use SALLE and EIDE to make up the difference.

Mayor Post: That's in the budget as well.

C Duby: You just said the SALLE and the EIDE can only be used for drug purposes.

Chief Phillips: That's correct. Evidence rooms can be used for that, as well.

C Duby: So it could be used to clean the evidence up?

Chief Phillips: That's correct.

Mayor Post: But if you leave it in the budget and you vote on the budget that's in the budget. The issue that becomes a little tricky is if the heating system, which we're banking on the Burn Grant to be able to amend it to include the heating system, if that doesn't go through, that's where we have the problem. But no matter what, the heating and the evidence in the wet basement is in the budget.

C Duby: So it's just a matter of how we cover it.

Mayor Post: It will be covered from just General Funds, that is.

C Duby: That's what I mean; but when you say amend the Burn Grant, does that mean you go back to the funder and say will you let us use it for this, rather than that?

Mayor Post: Yes, and often, people know how to do that. It is a permitted use.

C Duby: I understand that. All I'm saying is, if in fact we go back to them and they say no, then we're \$14,000 more in the hole.

Mayor Post: That is true.

Chief Phillips: Chances are, if they know our Police Station is getting ready to cave in, they'll take care of us.

Mayor Post: The bottom line is we need to try to trim the \$50,000; did we get somewhere on that? No, because the car... If we took the \$10,000 out and

still sold the old cars off and whatever revenue they bring in, they bring in; can you do without that car this year that \$10,000?

Chief Phillips: You're talking about the new car?

Mayor Post: Well, the new used car.

Chief Phillips: If we have to, we'll just have to take one of the older cars and repaint it; strip it down and just repaint it and make it work; we can do that, yes Sir.

Mayor Post: And then maybe use the money, whatever we raise from the cars to paint the car. So then we can take \$10,000 out of the budget with that for one thing if he feels that he can do that.

Chief Phillips: Whatever we need to do, yes Sir.

Mayor Post: It's not much but under Administration, under Supplies, I'm suggesting the \$12,000 go down to \$10,000, they're at \$8,812 right now, so that's at least \$2,000. If we keep whittling it, I don't know how; if we took the \$2,000 from that, which is number 5280 and we take the \$10,000 from that car. So that's \$12,000 off of \$50,000. Where are we exactly on that?

C Duby: I thought we were at \$90,000?

Mayor Post: If we take the \$38,000 from the insurance.

Jennifer Cornell: Do you want me to take the \$38,000 out?

Mayor Post: Let's play around with that right now. Take the \$38,000 out.

C Betts: The added insurance?

Mayor Post: The 30%, yes, for everyone. Start with \$90,000; we're minusing the \$38,000; we're minusing \$2,000; we're minusing \$10,000.

Jennifer Cornell: That brings you to \$40,409 for your deficit.

Chief Phillips: Do you know what happened to the Sussex County \$15,000 we have? Has it been spent or you don't know?

Jennifer Cornell: That has not been applied for yet.

Chief Phillips: Okay, so we have \$15,000 sitting out there also from Sussex County.

Mayor Post: What would that be for?

Chief Phillips: Whatever we would basically like to use it for.

Mayor Post: Could it be for a car?

Chief Phillips: Yes.

Mayor Post: We have that \$10,003 to pay off on that last payment, could we use it for that?

Jennifer Cornell: Mayor, that \$15,000 is already included in the revenue portion of the police.

Mayor Post: To offset already existing costs.

Jennifer Cornell: Correct and 50% of it has to be used for capital expenditures; so it could fund that last lease payment of the car.

Mayor Post: So if you're already showing it as revenue we can't...

Jennifer Cornell: You can't add it in again.

Mayor Post: We can't add it in again.

Chief Phillips: Last year we used part of it for a car payment and then fuel.

Mayor Post: However it was used; it still will offset whatever is in the general amount for those costs.

C Duby: But it's already in there, so it doesn't help us with this \$40,000.

Would that we could count it twice, but unfortunately we can't.

Mayor Post: It would be nice if we could.

C Hudson: Under General Expenses you have Concerts in the Park \$10,500; I thought it was supposed to be \$8,500.

C Duby: It's a wash anyway because it's paid for by sponsors.

C Hudson: Yes \$8,500/\$8,500. I think it went up.

Mayor Post: No because we're a little shy on that. We always have been, Mary.

C Duby: We're a couple thousand short and basically what we can do there; it's an easy way to do it; we can just say if we don't have the money; if we don't get enough sponsors to cover the bands and the printing and the mailing; we just won't do the printing and mailing, period.

C Hudson: How much will we save?

C Duby: That will be at the most \$1,800 to \$2,000.

Mayor Post: Maybe we would get another sponsor, I don't know.

C Duby: That's what we'll try to do; we'll either try to get an extra sponsor to cover it or if a sponsor is paying for a band that costs \$400, we'll ask them to kick in \$500 and then we'll use the \$100 towards the expenses.

Mayor Post: So let's take it out of the concerts.

C Hudson: At the Workshop you said it was \$8,500; now it's \$10,500.

C Duby: That hasn't changed, has it Jenn? Did that change from \$8,500 to \$10,500?

Jennifer Cornell: Yes, there was discussion at a previous meeting that Council would fund the additional costs, so I bumped that up to the actual cost of the concerts.

C Duby: Okay, so the donations that are coming in as \$8,500 and the outgo is \$10,500, because you added in the expenses?

Jennifer Cornell: Correct.

C Duby: Okay, well knock that back down to \$8,500 and we just won't do the mailing if we can't fund it.

Jennifer Cornell: Okay.

Mayor Post: That will be \$2,000.

Jennifer Cornell: So we're at \$38,400 now.

C Prettyman: So you're saying the Concerts in the Park show what?

C Duby: The Concerts in the Park, line item 5600, under General Expenses is now \$8,500, rather than \$10,500. The Town will not fund the printing and the mailing as we have in the past. We will either get a donor for it or it won't be done. We'll put it up on the web site. We're taking out the \$2,000 that the Town would have spent to subsidize the publishing and the mailing of the schedule; so now it's a wash and we get donations. If you look at General Revenues we get donations of \$8,500 and all we're going to budget to spend is \$8,500; and that covers the bands for the concerts.

C Prettyman: Okay, I need help again. With the General Revenues at line item 5000; it was \$46,373; but in my book, the last time it said \$70,000; what happened?

Mayor Post: The 5000 I think in General now shows the 5000 for the Fire Company; before it did not include that.

C Abraham: No, no, no.

C Prettyman: No, you're not where I am.

C Abraham: In the budget book, underneath the 2010 budget was \$70,585 and now it says \$46,373.

C Duby: Jenn, what is that? Can you tell us?

Jennifer Cornell: I can not hear them. Yes, the revenue reserves are in to offset capital expenditures. Some of the capital expenditures were cut out, thus reducing the revenue reserves.

C Duby: Is that stuff like the leaf blower and those kind of capital expenditures?

Jennifer Cornell: Correct.

C Abraham: The \$70,585 was ____; now the update we just got was \$46,373; I don't understand.

Mayor Post: Because we were going to use that out of revenue reserves that \$70,000. We have cut things out of that that was funds out of the revenue reserves. I would even think that the next time all the capital reserves, just keep them separate and we can pick and choose what ones we want to keep and if we want to keep any of them.

C Prettyman: And that I think is a very good idea.

C Martin-Brown: Yes.

Mayor Post: And then that way it doesn't reflect anything with this budget.

C Duby: Then we can see clearly what we took out and why it reduced it that amount.

C Prettyman: Excuse me Mr. Mayor, how many officers are we having, nine or ten or eleven?

Mayor Post: Right now in the budget, we've got it back up to nine. We do not have a tenth one at this time. We're trying to trim it down from \$90,000 to zero before we even look at the \$50,000 that it is going to take to bring us up to ten officers. We haven't even got it to zero.

C Martin-Brown: We still have to find \$38,000 to get rid of.

Mayor Post: We trimmed down \$52,000 already.

C Betts: Did we go up on Luther Towers grant because of the reassessment?

Mayor Post: We have a signed agreement for life with them. George?

George Dickerson: Luther Towers, as far as I know, they were a charitable organization and that agreement was struck and it does not have an expiration date with it at that \$2,500. The only provision that I know of that was in that contract is if it was ever sold to another entity.

Mayor Post: Could we have our lawyer look at that contract that currently exists?

C Betts: Can we renegotiate it?

C Duby: Lots of luck.

C Martin-Brown: Is there any chance we could have a lawyer look at the contract for cleaning uniforms, or whatever it was that we're bound to in perpetuity?

Mayor Post: No, that was a settlement from prior and we're honoring that settlement. That was four years ago and by law, we've already been through this, we almost got another lawsuit out of it; no, we're going to keep that for seven more years and we've been told that we would lose if we pursued it because we have a signed contract.

C Martin-Brown: I'm sorry I brought it up, Mr. Mayor.

Mayor Post: I was going to suggest this for budget purposes and I don't know who knows. 5500 under General Expenses...

Jennifer Cornell: Transfer Tax under Administrative Revenues; we were very conservative with that figure at the \$140,000. In the past 3 or 4 months, I've seen a significant increase of transfer tax revenue coming in. I would feel comfortable bumping that figure up slightly.

Mayor Post: How much?

C Duby: That's up to \$191,000 already.

Jennifer Cornell: Correct and we just received another \$15,000 I got notification for August and we still have September; like I said I'm seeing a lot more activity; because we do track all the requests for settlements that come through Town Hall.

Mayor Post: So, conservatively, what do you think?

Jennifer Cornell: I would say \$175,000.

Mayor Post: What are we now?

C Duby: Let's just go print money.

Mayor Post: I like that. She said let's just put in another \$5,000, if you're going to do that.

C Duby: That's upping it by \$35,000 and our hole is \$38,000, so all we have to find is another \$3,000. C Martin-Brown has agreed to write a check for the difference.

Mayor Post: I think I've found another \$2,000; 5500, the utilities at Wagamon's we're almost at a close and it was only \$7,130 and we have \$12,000, so why can we not comfortably say \$10,000 there?

Jennifer Cornell: Mayor, that bill is coming in at a little over \$1,000 a month right now.

Mayor Post: Okay, what is this bill through?

Jennifer Cornell: This billing would be through July, so there would be three months left to add to it.

Mayor Post: So that would be \$10,000.

Jennifer Cornell: It's at \$8,000 right now.

Mayor Post: On mine it was \$7,000. All right then we'll leave it. Still think it will come in a little lower.

C Duby: I think there is a requirement that the budget be realistic.

Jennifer Cornell: We have \$3,409 to balance the budget.

Mayor Post: We're getting there.

C Martin-Brown: How about Dues and Subscriptions, could we pick up \$500 in that budget line?

Mayor Post: No, we're really tight on those.

C Prettyman: Mr. Mayor, the utility with Wagamon's, what are we doing there?

C Betts: Nothing.

Mayor Post: Paying the bill, what are you going to do? I think we could trim \$1,000 or \$1,500 out of it, but they say we're close.

Jennifer Cornell: Robin just made the suggestion to take those remaining funds out of legal fees under Code Expenses.

C Duby: Does our attorney have anything to say about that?

Mary Schreider-Fox: I think it's terrific if you guys are going to save some money on legal expenses next year that would be a wonderful thing.

C Duby: Less work for you.

Jennifer Cornell: We've removed \$3,409 from legal expenses under Code. That new line item is \$16,591 and that line item is 5240. We are now balanced.

Mayor Post: I would like to verify in my own mind, when it comes under General Revenues, under Revenue Reserves, we are still using \$46,373 out of reserves?

C Duby: Yes and the question I have is are we using anything else in any other category out of reserves, or is it just that one?

Mayor Post: That would be it, I guess. That's your grouping of everything; is this what I understand; from all departments?

Jennifer Cornell: No there is \$1,900 under Water for the leak detector.

C Betts: We didn't need that.

C Prettyman: Why did we need that?

C Duby: So we're basically talking \$50,000 that is essentially a deficit, because we're going into revenues.

Mayor Post: We need the leak detector because he uses that rod. Technically if more transfer taxes come in, that means that we won't be taking it from cash reserves, we would be taking it from regular revenue.

Jennifer Cornell: Correct, if we receive more revenue, we won't have to dip into reserves for those capital expenditures.

Mayor Post: Okay. Now we have to discuss the tenth police officer. I would prefer waiting six months to see where we are, but that's just me.

C Martin-Brown: Mr. Mayor, I would like to make a motion, we're really coming down to the wire; that we adopt the budget as balanced and put a hold on any additional staff anywhere, since we have a freeze on staff that would include a tenth police officer for six months and then we come back and review the budget.

C Duby: Second.

C Prettyman: No, because it's going to take six months for us to train an officer and then another six months to get him ready to go. No, no, no, no, no.

Mayor Post: C Prettyman we have a motion and we have a second, we can go through the motion. We can have it up for discussion since we've got the second. I personally don't see where that's a bad idea. If things were totally different, I have no problem with a tenth officer; we're struggling and I think six months is not going to be that long of a wait and it could be the year. But we have nine officers.

C Hudson: We were supposed to have an up or down vote on that.

Mayor Post: And I think that's where we've got it right now, Mary, so we can if we don't want to discuss it we can go ahead and vote it and we can roll call vote it:

C Martin-Brown	Yes. My motion was to accept the budget as balanced; that we have done now and put a six month moratorium on all staff, any hiring and then do a mid-term budget review and we can decide what we've got there. In the ideal world there's all sorts of things that this budget ought to have in it, including a decent process for a Comprehensive Development Plan; but we have to realize that we have to tighten belts across the system and if we have a balanced budget and we make the options still available in six months, I think this is the best compromise.
C Duby	Yes.
C Hudson	No
C Prettyman	No
C Abraham	No
C Betts	No
Mayor Post	Yes

Mayor Post: So the motion doesn't pass. So come up with \$50,000. I truly feel we've cut this to a bare bone and I feel the \$50,000 should come from the Police Department. It's fair; I have no problem if it could sustain out of its own department, another officer. I don't think we need a tenth officer at this time; but if you can trim it out of that budget. Every department has cut quite a bit. Or we can take it out of revenue reserves, which I think it not the right way to do it. You look at how long it took us just to come up with this. We did shrink the \$90,000, but I just don't understand why six months is too much to ask for and when many times it is not based on population; it is absolutely based on calls received.

C Duby: Do we have any information at all that anybody can offer at this point that responds to the question that Mr. Daly raised in public participation about what other towns our size have in the way of numbers of police?

Mayor Post: We'll have to look into it, but we've done it before.

C Abraham: We did it last year and the year before; so we probably have all the statistics. I also have three emails from three officers, who have expressed in great length, one of them, asking Council, and I have copies I can pass out, and I just got these today, for this tenth officer and reasons why.

C Duby: I would like to see copies of those.

C Martin-Brown: I keep thinking of the staff that has to take a 38% cut in their health coverage and has accepted it gracefully. I really think that's really awful.

C Betts: I think they were very fortunate to have it paid for all this time.

Mayor Post: I think we're fortunate to have ten officers. So if we want to talk about being fortunate.

C Abraham: I mean truthfully, we have ten officers, we've not lost ten officers; what I think we're really not wanting to vote for is to fill the position; we have it.

Mayor Post: I think you're exactly right. We don't want to fill the position.

C Betts: Well we voted.

Mayor Post: I know, you voted, but what I'm suggesting is for you to figure out where the \$50,000 is coming from.

C Abraham: Revenue Reserves.

Mayor Post: You voted it, you wanted it, figure it out. That's all I'm asking; because as far as me, I'd be done and we'd be on to the next thing. If this is what you want and you knew it coming in here. Let's figure out and I'd put it over on to you guys, where do you want it to come from and I feel it should come from the Police Department. I think its normal in all towns and it is a very large expense with a very little revenue coming in and I'm not saying that's anything different from any other town, but the revenue is what it is. We looked at ten officers when we had great transfer tax coming in and everything else; that doesn't exist today.

C Duby: And if you listen to what we've heard in all of the public hearings, I've heard a number of people talk about the deficit; I haven't heard a lot of people asking for a tenth police officer; not that I don't fully understand that people want to be safe and secure; but I don't believe that having nine officers, instead of ten for six months, generally compromises the safety and security of this Town.

C Hudson: I think when we had like I said earlier when we had the State Police come in here 73 times at least, or that's just the number that I heard and they are not our back up force, so I think if necessary, we take it out of reserves. I've heard repeatedly we're supposed to be getting \$1.8 million from Tidewater and transfer taxes are starting to go back up and I think that's where we need to get it from to tide us over until the transfer taxes do go back up.

C Abraham: I can read just this one from one of the officers (I shouldn't say from who) and he says "I have a few issues that I like to bring up, but I'm not sure if I need to go to the Chief or the Town Council. The main issue is our manpower. We finally were starting to function smoothly when we were up

to ten officers and I believe we actually needed the eleventh officer. We lost one officer to Laurel Police Department and another officer activated military, which he's gone and can't count the body and recently had another officer leave with military duty with intentions on leaving the department entirely. Since March 2009 we only had one officer per shift, which is unsafe for the officer. Obviously, I'm ____ (he states what his position is) which is needed greatly; I've had to work on several rape cases, missing children, burglaries, etc. and tried to help cover shifts for the road guys. I have put these serious cases on hold to cover patrol which is not fair to the victims of these cases. I remember when I started having large crowds gathering in a certain apartment complex and handling complaints for large surrounding of people with fights. When our manpower increased, I did not observe hardly anyone hanging out and we deterred the crime, such as the large fights. Since manpower has been short, I've noticed more people starting to hang out at night, which is a recipe for trouble. It has been hard to keep up this summer with all the cases that he has and I would need a lot of overtime to help me catch up. I think it would be much smarter to have more manpower so we could have at least two officers per shift and it would work with saving us in the overtime on top of everything else." He mentions "The officer from Georgetown, shot in the line of duty, which is only ten minutes away from Milton. This should be a serious wake up to the Town, if not only for that reason to hire to officer. I can tell you that since we've downsized in manpower, the Police Department is not running smooth anymore. I have not taken a vacation this year, because we are shortanded. I have 236 hours of vacation that I can not even take. I have been doing all of the rape cases; most burglaries; stolen credit cards; bad checks. I also have been doing the news releases, sex offender notification, arrests on top of covering patrol officers and I need a day off. I have received several tips on drug activity (I don't know if I am supposed to say that or not, sorry) within the Town limits that I have not been able to follow up on, at all; and after everything we've went through the last six months, evidence should be a priority for the Milton Police Department that I plan on helping to fix, but I don't have the time to even start thinking about the evidence. On top of being short of manpower, we have not received the normal pay raises and now the Town is raising our health insurance cost. I have been due the Corporal First Class Promotion raise and have not yet received it. I have been keeping quiet, hoping the issues would be fixed, but it does not look like it's going to happen. I like working in Milton and I can say that I've had five years of being here; this is the worst it's been. I will not mention any names but other officers, including myself are unhappy at the Police Department because of these issues. I am aware of several officers that are considering resigning. The thought of leaving Milton Police Department has not crossed my mind until just recently. I have an almost guaranteed job at _____. I'm not making a threat, because I really do not want to leave, but I wish these issues would be considered. I am also stunned why the K-9 program is not up and running. We have a very good K-9 and an officer trained and ready to go. In the past

six months I think of at least three escaped convicts from prison who escaped to the Milton town limits, not to mention burglars we handled, drug cases, etc. where a K-9 could have easily helped catch suspects in these cases, some results if these issues are not fixed will be officers will resign the Police Department; citizens become unhappy with the process of the investigation; drug activity will continue to raise; and, evidence will not be fixed. If these issues need to be addressed to the Town Council, please advise me.” I just addressed them.

C Martin-Brown: C Abraham I have a question. Was this letter sent to you?

C Abraham: I just got this through an email copied from...

C Martin-Brown: All right. And Mr. Prettyman did you receive a copy?

C Abraham: No, I was going to pass them out tonight.

Mayor Post: The thing is, we know the advocacy is there and we know that C Abraham's is very strong, passionate with the Police Department. The thing is you also have to make wise decisions and you've made your statement.

You want a tenth officer. All I'm saying is find out how you want to pay for it. That's fine. There are three up here that says we don't need a tenth officer; reading that letter we're very passionate, we're sympathetic and at the same time, they have a major increase in the size of their staff. There's nothing we can do about anyone in military out on reserves, because we have to hold those positions open. So if you had five out, it doesn't mean you could hire five new officers. So you want the tenth officer, you've said it, you've been loud and clear about it; where do you want to money to come from?

C Abraham: Revenue Reserves.

Mayor Post: I also wanted to go on record to look at your police record report for July 21st to August 20, 2009, total complaints for the Milton Police Department were 200; you divide that by ten officers, that's 20 per person for a month.

C Abraham: You didn't have ten officers.

Mayor Post: You divide it by nine.

C Martin-Brown: I'm disturbed about something else. After sitting through all that Hearing and hearing about a lot of discussion about sticking within the chain of command, when is it okay to go outside the chain of command to advocate with a member of the Council vs. going outside the chain of command when a person in the Police Department has a problem? I want to flag that because...

C Hudson: I don't think this is a complaint, which is entirely different. It was a request. I think this officer has the right to email a request.

C Martin-Brown: No, it was not a complaint, Mary. What I'm talking about...

C Prettyman: But those things are personnel issues, though, they should go to personnel.

C Martin-Brown: I think these kinds of requests should come up the chain of command. The Chief could have presented that letter, very effectively tonight as coming through the chain of command and it would have been welcomed.

C Hudson: I don't think it's the same thing. I think the officer was speaking almost as a citizen would speak and it's not the same thing as writing a complaint or a grievance.

C Martin-Brown: I think we need some consistency.

Mayor Post: It's almost 10:30 and we still have not even...

C Hudson: We had a vote.

Mayor Post: I'm not questioning that. We have a vote for what.

C Hudson: According to the workshop, we were going to take an up or down vote on whether or not to have a tenth officer.

Mayor Post: Well, go ahead and take your vote on that, I think it's kind of irrelevant. We know how it's going to go.

C Duby: We took it. The motion was to accept the balanced budget and we have to have a resolution on the tenth officer. We still have to do a yea or nay on the budget.

Mayor Post: Who made the motion? You're making the motion to balance the budget by taking the money for the tenth officer out of the cash reserves.

C Abraham: I would like to make the motion to vote for the tenth officer to be filled and take the money out of the revenue reserves.

C Hudson: I second it.

Mayor Post: Roll call vote:

C Martin-Brown	No
C Duby	No
C Hudson	Yes
C Prettyman	Yes
C Betts	Yes
C Abraham	Yes
Mayor Post	No

Motion carried.

C Hudson: I make a motion that we accept the rest of the budget, as presented.

Mary Schreider-Fox: As a legal matter, I just want to remind everyone that with respect to the tenth officer getting hired and approved, you've budgeted for the money now, but you will actually at your next meeting now, lift the hiring freeze that's in effect right now. We need to match things up and then also, if you approve the budget as it has been worked on this evening, including an employee contribution of 30% for the health insurance, we're counting on that additional money being available now; you will also need to revise your Employee Handbook, publish it to the employees; and at that point, that new policy will go into effect; but not until then. I just want everybody to remember those things.

C Prettyman: We are not voting on...

C Hudson: We should put those on as agenda items for October.

Mary Schreider-Fox: Correct.

C Hudson: We don't have to revise the whole Handbook, but just the one particular part for those little sections like for the hiring freeze and the 30% for the employees, so that could be an agenda item for October.

Mary Schreider-Fox: I have been advised that the hiring freeze was actually something that the Council had voted on and they passed a Resolution.

Mayor Post: It was part of the budget, it wasn't a Resolution. They came to us and we voted on it.

C Abraham: We didn't lift anything.

C Betts: We didn't lift the freezing.

Mayor Post: Yeah, but he came in front of full Council in a vote.

C Hudson: But we didn't lift the hiring freeze to get it back. And we've had ten officers, so this doesn't apply to a hiring freeze.

Mayor Post: If it's in the budget, I would question if you have to lift it, because if it's what you're voting into the budget, then it's the budget.

Mary Schreider-Fox: I was under the impression that there was some kind of separate Resolution; if that's not the case, then forget that part. But with respect to the Employee Handbook and employee contributions to health insurance, that needs to be done.

Mayor Post: So we have the motion and a second in regards to the balanced budget:

C Martin-Brown	Yes
C Duby	Yes
C Hudson	Yes
C Prettyman	Yes
C Abraham	Yes
C Betts	Yes
Mayor Post	Yes

Motion carried.

- d. Review and possible approval of Policies and Objectives for Chief of Police

Mayor Post: I'm going to bring these forward on behalf as the Police Commissioner of the Town, however, I'm going to propose on how you want to do this. I'm willing to move this to the next Council meeting, since Marion Jones did not get to see it and it is 10:30 at night; it's late. I would like to have a chance with the Chief, we were supposed to get together yesterday and he was ill; I have not talked to him today; and I'm very willing to move this and it is going to be on the agenda; it is going to be read into the record; but I'll be glad for anybody to review it. Mary Schreider-Fox said it could be posted on the website, as well.

C Prettyman: I make a motion to table this until our October meeting.

C Hudson: Second.

Mayor Post: We have a motion and a second. All in favor say "aye"; opposed. Motion carried.

13. Adjournment

C Hudson: I make a motion we adjourn.

C Prettyman: Second.

Mayor Post: All in favor say “aye”. Opposed. Motion carried. Meeting adjourned at 10:29 pm.